

URBAN/MUNICIPAL

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1994

AGENDA / MINUTES OF THE  
PLANNING AND DEVELOPMENT  
COMMITTEE  
APRIL 6, 1994







URBAN/MUNICIPAL

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1994



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

## NOTICE OF MEETING

### **PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1994 April 6  
9:30 o'clock a.m.  
Room 233, City Hall

URBAN MUNICIPAL

MAR

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary  
Planning and Development Committee

### **AGENDA:**

#### **9:30 O'CLOCK A.M.**

#### **PUBLIC MEETING**

1. Amendment to the Official Plan and Zoning Application 93-44, 779597 Ontario Ltd. (P. Silvestri), owner, for changes in zoning from "AA" District (Block "1") and "A" District (Block "2") to "M-13" District, for lands located in the area west of Pritchard Road between Stone Church Road East and Rymal Road East; Hannon North Neighbourhood.
2. Amendment to the Official Plan and Zoning Application 93-43, A. Kumar, owner, for a change in zoning from "AA" District to "HH" District, for lands located at the front of No. 1094 Upper Sherman Avenue; Thorner Neighbourhood.
  - (a) Submission: Pam and Jim Smith, 1102 Upper Sherman Avenue, Hamilton L8V 3N5







3. Zoning Application 93-42, A. Kumar, owner, for a change in zoning from "AA" District to "C" District, for lands located at the rear of No. 1094 Upper Sherman Avenue; Thorner Neighbourhood.
4. Referral Back from Council  
Mayor's Task Force on Downtown Issues and Renewal.
5. BUILDING COMMISSIONER  
By-law for Removal of Signs on Sidewalks and Highways.
6. CORRESPONDENCE  
Bob Harkness - Lot Grading Control with Respect to Land Severance Application
7. COMMISSIONER OF PLANNING AND DEVELOPMENT  
Site Plan Control Application DA-93-18, Alpha Development Services Inc., owners, for lands located at 52-62 Victoria Avenue South.
8. CONSENT AGENDA
9. CONFIDENTIAL AGENDA
10. OTHER BUSINESS
11. ADJOURNMENT







# PLANNING AND DEVELOPMENT COMMITTEE

## OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
4.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
6.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
7.	Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods	1993 July 21	Planning & Traffic	Tabled to allow review by Staff
8.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending







<b>Item No.</b>	<b>Item</b>	<b>Original Date</b>	<b>Action</b>	<b>Status</b>
9.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
10.	Review of Parking Lot Regulations - Minimum lighting requirement for safety	1993 November 3	Planning	Report Pending
11.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
12.	Demolition permits for one & two family dwellings	1994 March 23	Law Department	Referred to staff for legal review

Tina Agnello, Secretary  
1994 March 30







1.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 March 28  
ZAC-93-44  
Hannon North

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for an Official Plan Amendment and a change in zoning - west of Pritchard Road between Stone Church Road East and Rymal Road East

**RECOMMENDATION:**

1. That approval be given to Official Plan Amendment No. to: redesignate the subject lands from "Open Space" to "Industrial"; remove the subject lands from Schedule 'C' - Hazard Lands; and, to place the lands in Special Policy Area 11a on Schedule 'B-3', for property located west of Pritchard Road between Stone Church Road East and Rymal Road East, and that the Director of Local Planning be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to Zoning Application ZAC-93-44, 779597 Ontario Ltd. - c/o Paul Silvestri, owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "A" (Conservation, Open Space, Park and Recreation) District (Block "2") to "M-13" (Prestige Industrial) District to permit future prestige industrial development in conjunction with adjoining lands, on lands located west of Pritchard Road between Stone Church Road East and Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:
  - i) That Block "1" be rezoned from "AA" (Agricultural) District to "M-13" (Prestige Industrial) District;

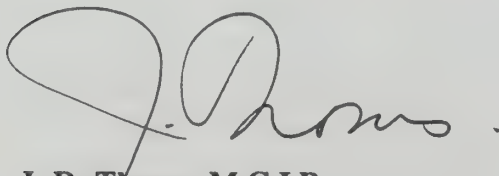


- ii) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District;
- iii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69D for presentation to City Council in a form satisfactory to the City Solicitor;
- iv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
- v) That the East Mountain Industrial Business Park Plan be amended to redesignate the subject lands from "Open Space and Recreational" and "Utilities" to "Restricted Industrial - Commercial"; and,
- vi) That the City request the Commissioner of Planning and Development to delete condition "(e)" from the conditions of draft approval of Subdivision Application 25T-88030.

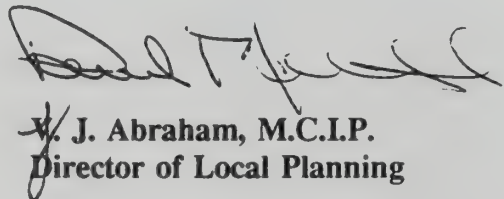
#### EXPLANATORY NOTE:

The purpose of the by-law is to rezone from "AA" (Agricultural) District (Block "1") and "A" (Conservation, Open Space, Park and Recreation) District (Block "2") to "M-13" (Prestige Industrial) District for lands located west of Pritchard Road, between Stone Church Road East and Rymal Road East, shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit future prestige industrial development of the subject lands in conjunction with the adjoining lands.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A



**BACKGROUND:**

- Proposal

The applicant is proposing to rezone the subject lands from "AA" (Agricultural) District (Block "1") and "A" (Conservation, Open Space, Park and Recreation) District (Block "2") to "M-13" (Prestige Industrial) District to permit future prestige industrial development in conjunction with the adjoining lands (see APPENDIX "B").

- Subdivision Application 25T-88030

Subdivision Application 25T-88030 (Anchor Road Industrial Park) for the subject and adjacent lands was draft approved in April, 1989. One of the conditions of the draft plan approval required the owner to set aside Block 19 (the subject lands) for acquisition by a public agency for open space purposes.

**APPLICANT:**

779597 Ontario Ltd. - c/o Paul Silvestri, owner.

**LOT SIZE AND AREA:**

The subject property has:

- a frontage of 60.62 m (198.88 feet) on the future extension of Anchor Road;
- a depth of 125.27 m (410.99 feet); and,
- an area of approximately 10,960.95 m<sup>2</sup> or 1.09 ha (117,986.54 feet<sup>2</sup> or 2.7 acres).

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District (Block "1") and "A" (Conservation, Open Space, Park and Recreation) District (Block "2")



### Surrounding Lands

to the north	Vacant	"AA" (Agricultural) District and "A" (Conservation, Open Space, Park and Recreation) District
to the east	Vacant	"M-13" (Prestige Industrial) District and "M-14" (Prestige Industrial) District
to the south	Vacant	"M-13" (Prestige Industrial) District
to the west	Mount Albion Conservation Area	"A" (Agricultural) District

### **OFFICIAL PLAN:**

The subject lands are designated **Open Space** on Schedule 'A' - Land Use Concept of the Official Plan and are also located within **Hazard Lands** on Schedule 'C' - Hazard Lands. The following policies, amongst others are noted:

- "A.2.4.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- A.2.4.2      The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.
- A.2.4.5      Where lands designated OPEN SPACE are in private ownership and application is made requesting a change in land use, due consideration will be given by Council to the most desirable use.



- A.3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as HAZARD LANDS on Schedule "C" to this Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, HAZARD LANDS make reference to the "flood-line" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation.
- A.3.1.2 The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:
- i) No buildings, structures or fill will be permitted in these areas, except where buildings and structures are intended for flood or erosion control, or are normally associated with the flood plain or landscape stabilization, or are required essential utilities, and are approved by Council, the Region and the Conservation Authority having jurisdiction. Further, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by Council and the Conservation Authority having jurisdiction;
  - iv) No portion of a building, structure or tile field will encroach into a setback from a stream, natural watercourse or pond, or from valley "fill lines" or "top-of-bank" lines as determined by the Conservation Authority having jurisdiction;"

The proposal conflicts with the intent of the Official Plan. If approved, an amendment will be required to: redesignate the lands from **Open Space** to **Industrial** on Schedule 'A' - Land Use Concept; remove the lands from the **Hazard Lands** on Schedule 'C' - Hazard Lands; and, add the lands to Special Policy Area 11a on Schedule 'B-3' for prestige industrial lands.

#### NEIGHBOURHOOD PLAN:

The subject lands are designated "Open Space and Recreational" and "Utilities" in the approved East Mountain Industrial Business Park Plan. The proposal does not comply. Approval of this application will require an amendment to redesignate the subject lands to "Restricted Industrial - Commercial".



## COMMENTS RECEIVED:

- The Building and Traffic Departments advise they have no comment.
- The Hamilton Region Conservation Authority advises:

"Further to your circulation of the above noted application, please be advised that the planning staff of the Hamilton Region Conservation Authority do not have any objection to the proposal.

The Conservation Authority is not in a position to purchase additional lands between the Mount Albion Conservation Area and Anchor Road. Funds for acquisition of the subject property are not available and the Authority currently holds sufficient open space lands within a corridor just to the north of the subject property."

- The Regional Planning Branch advises:

"It appears that the subject lands are outside the "Escarpment Protection Area" of Map 9a, Niagara Escarpment Plan Areas of the H.W.O.P. Comments should be obtained from the Niagara Escarpment Commission for clarification on the precise position of the boundary. If an N.E.P. amendment is necessary so is an R.O.P.A."

The Regional Planning Branch also advises:

"For your information, this subdivision was draft approved by Regional Council in April of 1989. At the time of draft approval, condition (e) required the owner to set aside Block 19 for acquisition by a public agency for "Open Space" purposes. While we no objections to the lands being developed for "Industrial" purposes as an alternative to the "Open Space" use, we would ask that the City of Hamilton resolve to request the Commissioner of Planning and Development to delete condition (e) from the conditions of draft approval, should the applications be recommended for approval."

- The Niagara Escarpment Commission advises:

"The Niagara Escarpment Commission, at its meeting of February 10, 1994, resolved to advise the Regional Municipality of Hamilton-Wentworth and City of Hamilton that it had no objection to the proposed Official Plan Amendment and Rezoning of Block 19 of Anchor Road Industrial Subdivision, subject to the following:

1. That the provisions of the "M-13" zone that require a minimum 13.5 meter landscaped buffer adjacent to lands zoned "A" apply to this development.



2. That site plans be circulated to the Niagara Escarpment Commission for review and approval.

A copy of the staff report is attached for your information."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers to service these lands. These services are within a Regional easement which will eventually become the extension of Anchor Road.

Since Block 2 contains a sewer easement shown as Part 2 on Reference Plan 62R-10895, the Regional Environmental Services Department should be contacted with respect to the building and land-use restrictions over the easement. The applicant/owner should also be advised of this easement.

According to the application submitted, the subject lands are shown on Block 19 on Anchor Road Industrial Park draft plan of subdivision and we recommend that the subject lands be developed through a satisfactory plan of subdivision.

The Planning Department may wish to consider retaining a pedestrian link through these lands to Anchor Road."

#### COMMENTS:

1. The proposal conflicts with the Official Plan. If approved an amendment will be required to: redesignate the subject lands to **Industrial**; remove them from **Hazard Lands**; and, add them to Special Policy Area 11a.
2. The proposal conflicts with the approved East Mountain Industrial District Plan. Approval of the application will necessitate a redesignation to "Restricted Industrial - Commercial".
3. The subject lands were set aside for purchase by a public agency as a condition of approval of the draft plan of subdivision 25T-88030 (Anchor Road Industrial Park). The Hamilton Region Conservation Authority indicates that they are not in a position to purchase the subject lands and further, the Authority has sufficient lands in the vicinity in a corridor north of the subject property. In this regard, it appears these lands are surplus to the Authority's needs.
4. The proposal has merit and can be supported for the following reasons:



- the proposed zoning is consistent with the existing "M-13" (Prestige Industrial) District zoning to the east and south;
- the subject lands are surplus to the open space system established by the Hamilton Region Conservation Authority; and,
- the subject lands are to be developed in conjunction with the adjoining lands which are designated and zoned for prestige industrial uses.

In this regard, and as suggested by the Regional Planning Branch, it is appropriate to include a recommendation requesting the Commissioner of Planning and Development to delete Condition "(e)" as part of draft approval of Subdivision Application 25T-88030.

5. The Roads Department advises that there is a 15 m wide sewer easement running along the southerly lot line. They have advised verbally that no permanent structures are permitted on this easement.

Further, the Roads Department recommends that the subject lands be developed through a satisfactory plan of subdivision. In this regard, the applicant's agent has advised it is the applicant's intent to apply Part Lot Control to the southerly arm of the "T" and add these lands to Lots 1 to 5 of the draft plan. The remaining "L" shaped parcel would then be sold as a lot (see attached APPENDIX "B").

6. The "M-13" (Prestige Industrial) District is subject to Site Plan Control. Matters relating to parking, access, landscaping, drainage, etc. will be dealt with at the time an application has been made.

## CONCLUSION:

Based on the foregoing, the application can be supported.



CLF/  
93-44






Legend

Proposed Changes in zoning from:

- |           |   |   |
|-----------|---|---|
| Block "1" |  | "AA" (Agricultural) District to "M-13" (Prestige Industrial) District                                 |
| Block "2" |  | "A" (Conservation, Open Space, Park and Recreation) District to "M-13" (Prestige Industrial) District |

  
ZAC-93-44







CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** March 28, 1994  
ZAC-93-43  
Thorner Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

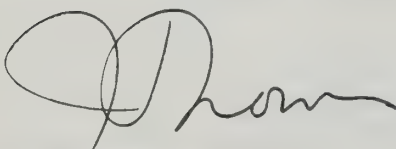
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development


**SUBJECT:** Request for an Official Plan Amendment and change in zoning for lands located at the front of No. 1094 Upper Sherman Avenue.

**RECOMMENDATION:**

That Zoning Application 93-43, Ashok Kumar, owner, requesting an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" and a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District to permit a convenience store, gas bar, and commercial retail space for lands located at the front of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) The proposed zoning district would permit a broad range of highway commercial type uses that are not compatible with existing and proposed residential development in the surrounding area;
- ii) It conflicts with the intent of the approved Neighbourhood Plan in that the lands are designated "Single and Double Residential".
- iii) There is an adequate supply of commercially zoned lands in the neighbourhood to meet the needs of residents of the community (i.e. Limeridge Mall to the west, and the south-west corner of Upper Sherman Avenue and Limeridge Road East); and,
- iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
J. Abraham, M.C.I.P.  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**APPLICANT:**

Ashok Kumar, owner.

**BACKGROUND:**

- Proposal

The applicant has applied for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District for lands located at the front of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A". The purpose of the application is permit development of the subject lands for a convenience store, gas bar, and commercial retail space. The subject lands are presently developed as a gas station and former auto body shop under a legal non-conforming status.

- Zoning Application 93-42

The applicant has filed Zoning Application 93-42 for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent (See Appendix "B").

- Zoning Application 86-15

The applicant requested a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and carwash on the subject lands. City Council at its meeting held Tuesday, March 8, 1988, approved the Planning and Development Committee's recommendation to deny the application as recommended.

**LOT SIZE AND AREA:**

- 30.48 m (100 ft.) of lot frontage on Upper Sherman;
- 41.22 m (135.25 ft.) of lot depth; and,
- 1256.0 m<sup>2</sup> (.310 acres) of lot area.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Gas Station and former Auto Body Repair Shop	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	One and Two-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified
to the west	Vacant	"AA" (Agricultural) District
to the east	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
to the south	Single-Family Dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv)      Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan.



A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."

In addition, the following policies of Subsection A.2.2 - Commercial Uses should be noted:

"A.2.2.30 AUTOMOBILE SERVICE CENTRES will mean land or buildings used for the purpose of selling motor vehicle fuels; carrying out automotive repairs and/or providing car washes. The preferred location of AUTOMOBILE SERVICE CENTRES will be adjacent to the intersection of major roads.

A.2.2.32 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;
- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;



- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal conflicts with the intent of the Official Plan. Approval of the application would require a redesignation from "Residential" to "Commercial".

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Thorner Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".

#### ***RESULTS OF CIRCULARIZATION:***

- The following Agencies have no comment or objection:
  - Union Gas; and,
  - Hamilton Region Conservation Authority.
- The Traffic Department has advised that:

"In response to your letter of 1993 December 10, please be advised that we have reviewed the above application and have the following comments.

While we recognize that the property has been used for a number of years for a service station and auto body repair shop with no apparent complaints, a commercially designated property would appear to be an intrusion into an otherwise strictly residential area. An "HH" District includes a number of other uses which have the potential of impacting upon the adjacent residences as well as the adjacent roadway. As a result, we do not support the above application."



- The Building Department has advised that:

"It is recommended that the requirements of Section 18.(3)(ivc) with respect to visual barriers and planting strips be required along the proposed rear lot line and possibly the existing side lot lines for the garage type of use of gas bar with complementary use."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Sherman Ave. is 30.48m. In accordance with this designation, the Region previously acquired the required road allowance widening adjacent to the subject lands by Instrument No. 221216 H.L. Therefore we do not anticipate any further road allowance widenings at this time.

We understand that the proposed uses will be located within the existing structures and we have reviewed the application on that basis. Should the site be redeveloped, we recommend that it be done through site plan control and further comments on grading, setbacks, landscaping etc. will be submitted at that time.

Comments with respect to access, maneuvering for existing uses, etc. should be received from the City of Hamilton Traffic Department. Should the existing gas station use be retained, sufficient land should be retained in its present use to ensure that the reduced maneuvering area will not result in service vehicles backing out onto Upper Sherman Avenue from the existing gas station.

In the absence of any details shown, we advise that any works which may occur within the Upper Sherman Ave. road allowance, as widened, must conform to the region of Hamilton-Wentworth Roads Use By-law."

#### **COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require a redesignation from "Residential" to "Commercial". In this regard the applicant has applied for the appropriate Official Plan Amendment.
2. The proposal conflicts with the intent of the approved Thorner Neighbourhood Plan in that the lands are designated "SINGLE AND DOUBLE RESIDENTIAL". If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".



3. The proposal cannot be supported for the following reasons:

- i) The proposed "HH" zoning district would permit a broad range of highway commercial type uses [i.e. restaurant, carwash, public hall, etc.) that are not compatible with existing and proposed residential development in the surrounding area and would not serve to meet the needs of the local residents;
- ii) It conflicts with the intent of the approved Thorner Neighbourhood Plan in that the lands are designated "SINGLE AND DOUBLE RESIDENTIAL";
- iii) There is an adequate supply of commercially zoned lands in the neighbourhood to meet the needs of residents of the community (i.e. Limeridge Mall to the west, and the south-west corner of Upper Sherman Avenue and Limeridge Road East); and,
- iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

4. Ideally, the subject lands should be developed for "SINGLE AND DOUBLE RESIDENTIAL". From a land use perspective, the discontinuance of the legal non-conforming auto body repair shop is desirable. The applicant has been advised that consideration could be given to an amended application for a modification in zoning to permit the redevelopment of the existing auto body shop for limited local commercial uses such as:

- a barber shop or hairdressing establishment;
- a bank;
- a dry cleaning establishment;
- a neighbourhood convenience store; or,
- a business, professional person's office.

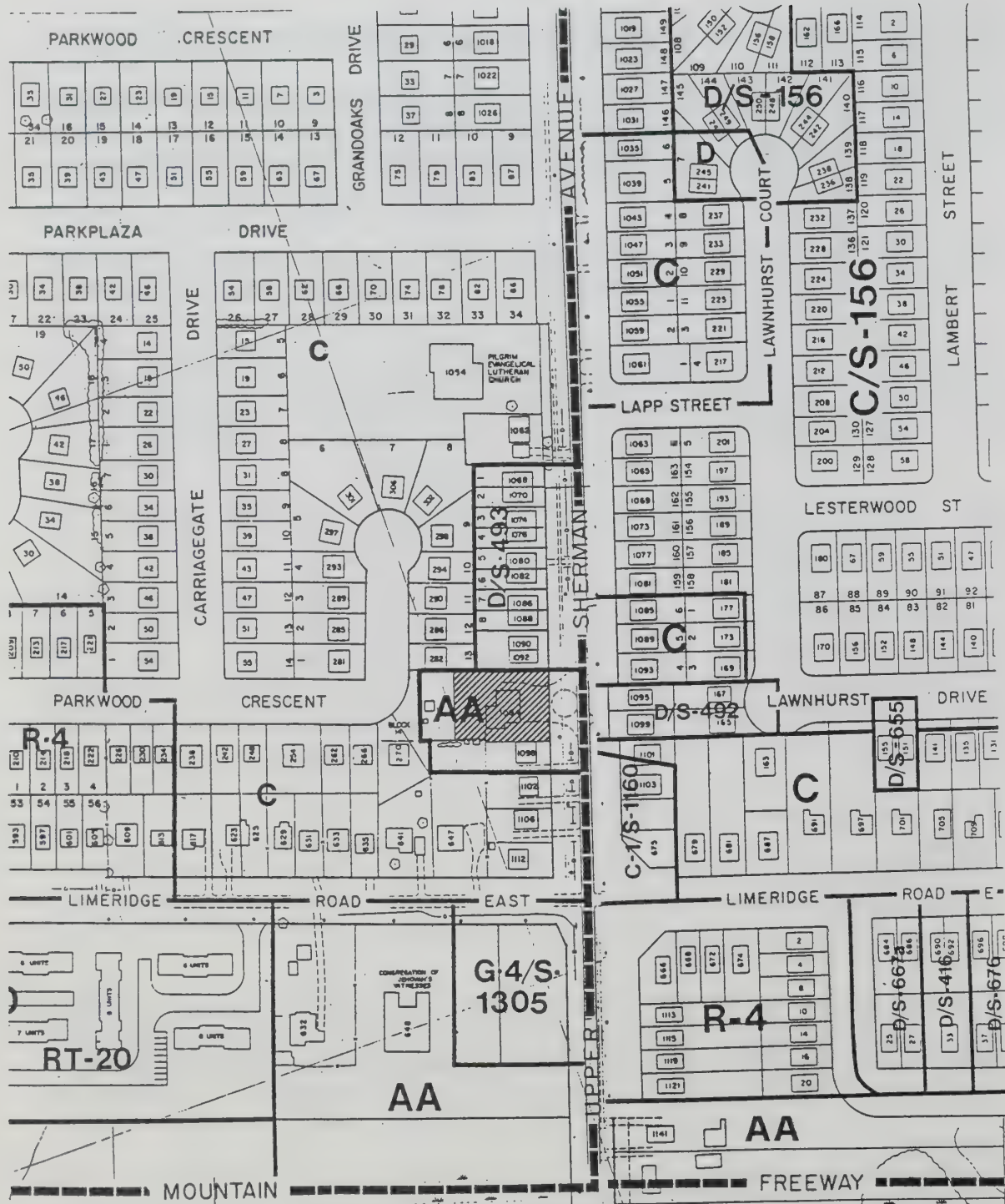
Should the applicant wish to proceed with redevelopment of the site for local commercial uses, a revised zoning application and a detailed site plan showing the appropriate buffering and screening from the adjacent residential districts must be submitted to evaluate the merits of the proposal.

### **CONCLUSION:**

Based on the foregoing, the application cannot be supported.

JL/jl  
WPZAC9343





Legend



Site of the Application

↑  
ZAC-93-43

APPENDIX A



PART 3 PLAN 62R-9854

PARKWOOD CRESCENT

BLOCK 14  
PLAN 62R-9854  
PLAN 62R-10942

N46°57'50"E  
CH=9.15  
RAD=20.00  
ARC=9.25  
N20°30'40"E  
CH=9.15  
RAD=20.00  
ARC=9.25

PART 2  
PLAN 62R-10942

PART 1  
PLAN  
62R-10942

AREA=372m<sup>2</sup>

AREA=429m<sup>2</sup>

SUBJECT LANDS  
ZAC-93-42

LOT 13  
PLAN 62R-512

13.49  
N1871'40"E

11.21  
N700'420"W

23.61 - N700'420"W

30.48 - N1871'40"E

AREA=1256m<sup>2</sup>

CONCESSION 6  
TOWNSHIP OF BARTON

PART 2  
PLAN 62R-8334

41.22 - N700'420"W

41.22 - N700'420"W

30.48 - N1871'40"E

5.18m WIDENING ACCORDING TO BY-LAW No. 9815, REGISTERED AS INSTRUMENT No. 221216-4

UPPER SHERMAN AVENUE

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9  
REGIONAL ROAD No. 164



METRIC:  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1:250  
0 5 10 metres

NOVEMBER 29, 1993

**A. J. Clark and Associates Ltd.**  
ONTARIO LAND SURVEYORS • CONSULTING ENGINEERS







To Whom it may Concern:

RE Z + C - 43-43

2a)

I don't think we need a variety store because just on the corner of Upper Sherman & Lineridge this land was already zoned for this "Restricted Community Shopping and Commercial."

We don't need two within 1/2 block of each other.

The traffic is really bad as it is. I have a hard enough time getting in and out of my driveway now. I don't want the added traffic a store would create. Never mind the noise levels would go up at night.

No thank-you.

Pam & Tim Smith  
1102 Upper Sherman Ave  
L8V 3N5  
385-6741







**CITY OF HAMILTON****- RECOMMENDATION -**

**DATE:** March 28, 1994  
ZAC-93-42  
Thorner Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning for lands located at the rear  
of No. 1094 Upper Sherman Avenue.

**RECOMMENDATION:**

That approval be given to Zoning Application 93-42, Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings in conjunction with lands to the west, for property located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-27A for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the lands located at the rear of 1094 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent.





J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



Y. J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant has applied for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A".

The applicant intends to file a land severance application to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent (See Appendix "B").

- Zoning Application 93-43

The applicant has filed Zoning Application 93-43 for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at the front of No. 1094 Upper Sherman Avenue, to permit the development of the lands for a convenience store, gas bar, and additional complementary commercial uses. The subject lands are presently developed as a gas bar and auto body shop under a legal non-conforming status.

- Zoning Application 86-15

The applicant requested a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and carwash on the subject lands and the lands immediately to the east fronting Upper Sherman Avenue. City Council at its meeting held Tuesday, March 8, 1988, approved the Planning and Development Committee's report to deny the application as recommended.



**APPLICANT:**

Ashok Kumar, owner.

**LOT SIZE AND AREA:**

- 30.48 m (100 ft.) of lot width;
- 14.55 m (47.75 ft.) of lot depth; and,
- 433.6 m<sup>2</sup> (4775 sq. ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
to the west	Single- Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Gas Bar and former Auto Body Repair Shop	"AA" (Agricultural) District
to the south	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District, and "AA" (Agricultural) District

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.



- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern, and;
  - iv) Support RESIDENTIAL conversion of under utilized commercial space to residential which does not undermine the primary commercial use/ function of the neighbourhood, subject to the provisions of Subsection A.2.2."

The proposal complies with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The lands are designated "Single and Double Residential" on the approved Thomer Neighbourhood Plan. The proposal complies with the intent of the Plan.

#### **RESULTS OF CIRCULARIZATION:**

- The following Agencies have no comment or objection:
  - Traffic Department;
  - Union Gas; and,
  - Hamilton Region Conservation Authority.



- The Building Department has advised that:

"A successful application to the Land Division Committee is required to sever this portion of lands from remaining lands."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

All outstanding servicing costs to the City/Region on Parkwood Crescent, if any, should be paid as a condition of development approval.

Comments with respect to access, maneuvering for existing uses, etc. should be received from the City of Hamilton Traffic Department. Should the existing gas station use be retained, sufficient land should be retained in its present use to ensure that the reduced maneuvering area will not result in service vehicles backing out onto Upper Sherman Avenue from the existing gas station.

In conjunction with this application, the applicant has also submitted Zoning Application 93-43."

- The Ministry of Environment and Energy has advised that:

"It is understood that the rezoning would permit the development of two residential building lots which front onto Parkwood Crescent. As noted in the application, the applicant is pursuing another rezoning for additional lands that front onto Upper Sherman Avenue. This portion of the lands is proposed to be rezoned from agricultural to commercial to allow for the development of a convenience store and gas bar.

Our records indicate that the lands which front onto Upper Sherman Avenue presently include the now defunct Upper Sherman Auto Body and Collision. Historically, the auto body shop when in operation, had numerous noise and odour complaints from nearby residents lodged against it. Accordingly, this Ministry would not recommend approval of a rezoning which allowed a residential use adjacent to what the Ministry would term a "Medium Industrial Use" with the potential for noise, odour and particulate/dust problems.

Therefore, due to the potential for land use compatibility conflicts, the Ministry feels it is premature to comment on zoning amendment #93-42 until the disposition of the second zoning application (from Agricultural to Commercial) is determined."



**COMMENTS:**

1. The proposal complies with the intent of the Official Plan and the approved Thorner Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - i) it implements the intent of the approved Thorner Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
  - ii) it represents infill within an established residential area;
  - iii) the proposed "C" (Urban Protected Residential, etc.) District is consistent with the established single-family residential character of the area; and,
  - iv) the proposal serves to complete the existing pattern of development on Parkwood Crescent.
3. The Ministry of the Environment has advised that there is a potential land use compatibility conflict which respect to the operations of the legal non-conforming auto body shop, which was located immediately to the east of the subject lands. Upper Sherman Auto Body and Collision is now closed.

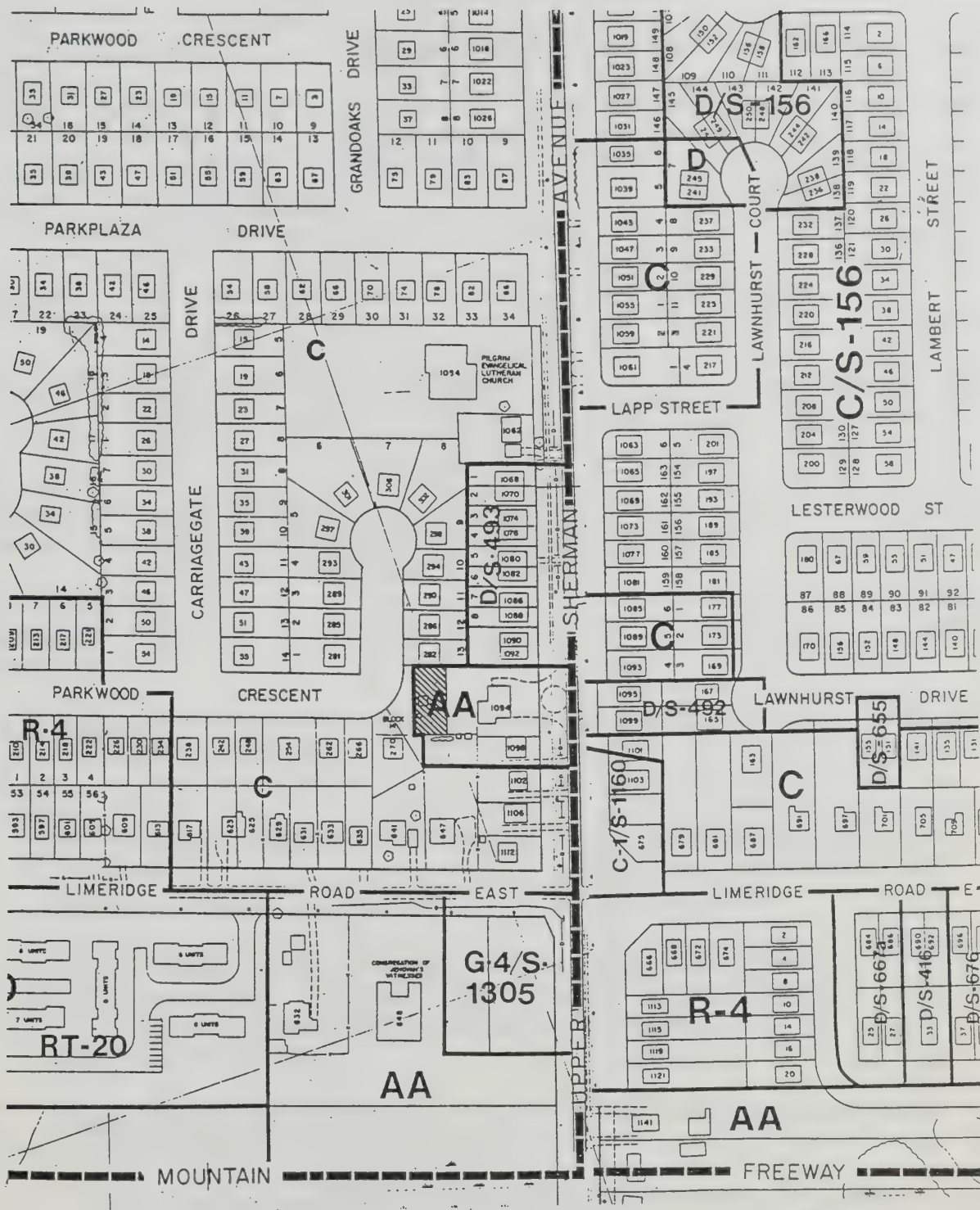
Furthermore, the applicant has applied for a "HH" (Restricted Community Shopping and Commercial) District for the portion of the lands fronting Upper Sherman Avenue, which would not permit an auto body shop. However, the Building Department has advised that an auto body shop may be re-established on the lands as a legal non-conforming use.

**CONCLUSION:**

Based on the foregoing, the proposal can be supported.

JL/jl  
WPZAC9342







—8—

PART 3 PLAN 020-0894

PARKWOOD CRESCENT

1957

1990

2004-04-04

1993

PART 1  
PLAN  
028-10842

13.49  
N1871'40"E

N70°04'20"W

AREA=372m<sup>2</sup>

$N46^{\circ}57'50''E$   
 $CH=9.15$   
 $RAD=20.00$   
 $ARC=9.25$

N20°30'40"E  
CH=9.15  
RAD=20.00  
ARC=9.25

23.61 - N70°04'20"W

1015  
62-63-500

SUBJECT LANDS  
ZAC-93-42

$$AREA = 429 \text{ cm}^2$$

## CONCLUSION

$$AREA = 1256m^2$$

41.22 - N70°04'20"W

Part 2  
PAV-20-204

41.22 - N70°04'20"W

30.48 - N1871'40"E

5.12.1. ENDING ACCORDING TO BY-LAW No. 0019, REGISTERED AS INSTRUMENT No. 0019104

UPPER SHERMAN AVENUE  
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 3 AND 4  
REGIONAL ROAD No. 164

## APPENDIX "B"



**METRIC:**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1:250

10 metres

NOVEMBER 29, 1993



A. J. Clark and Associates Ltd.  
ONTARIO LAND SURVEYORS • CONSULTING ENGINEERS

F-90670



4.

**CITY CLERK'S DEPARTMENT**  
**MEMORANDUM**

\*\*\*\*\*DATE\*\*\*\*\*

TO: T. Agnello, Secretary  
Planning & Development Committee

YOUR FILE:

FROM: J. J. Schatz  
City Clerk

OUR FILE:  
PHONE: 546-2727

SUBJECT: Mayor's Task Force on Downtown  
Issues and Renewal

DATE: 1994 March 23

Attached for the information of the members of the Planning & Development Committee is a copy of the First Report of the Mayor's Task Force on Downtown Issues and Renewal.

As the Committee will recall, this Report was tabled with City Council at its meeting on March 8, 1994 at which time Council referred the various sections to the appropriate Committee.

I have, for your convenience, listed below those sections which are referred to the Planning & Development Committee.

4. THAT THE PROVINCE OF ONTARIO BE INFORMED IN THE STRONGEST POSSIBLE TERMS THAT THE MAJOR ENTRANCE TO THE NEW COURT FACILITY MUST BE ON KING STREET.

ALSO, PURSUANT TO SUGGESTIONS MADE AT CITY COUNCIL ON FEBRUARY 22ND, 1994 THAT THE REGION BE ENCOURAGED TO SEEK ACTIVE USES FOR THE COUNTY COURT BUILDING AT MAIN AND JOHN STREETS.

5. THAT MAJOR INSTITUTIONAL USES BE ENCOURAGED IN THE DOWNTOWN EAST OF JAMES STREET -

- MCMASTER UNIVERSITY AND MOHAWK COLLEGE (e.g. UNITED NATIONS UNIVERSITY)
- FEDERAL AND PROVINCIAL GOVERNMENTS
- PRIVATE AND EDUCATIONAL INSTITUTIONS - SUCH AS PARK BUSINESS COLLEGE AND SOUTHERN ONTARIO COLLEGE ETC.



6. THAT RESIDENTIAL COMPLEXES BE ENCOURAGED IN ALL PARTS OF THE CBD - INCLUDING UP-SCALE PROJECTS EAST OF JAMES
7. THAT SPECIAL ETHNIC PROJECTS BE ENCOURAGED EG. CHINATOWNS ON JAMES STREET NORTH AND KING STREET EAST
8. THAT EFFORTS BE RE-INITIATED TO JOIN THE REDEVELOPED AREA EAST OF BAY WITH HESS VILLAGE
10. THAT ALL B.I.A. AND CITY (AND ANY OTHER) BEAUTIFICATION PROJECTS - FLOWERS, HANGING BASKETS AND TREES ETC. BE SUPPORTED EVEN AMIDST OTHER SPENDING CUTS - THE SAME TO APPLY CITY-WIDE
15. THAT ALL EFFORTS OF BUSINESS PEOPLE ON JAMES STREET NORTH TO FORM BUSINESS ASSOCIATIONS BE SUPPORTED
18. THAT A PLEASANT STREET & SIDEWALK AMBIENCE BE A PRIORITY IN ALL DECISIONS - EVERYTHING FROM OUTDOOR CAFES TO BEAUTIFICATION TO POLICE PRESENCE ETC.

(ALSO REFERRED TO TRANSPORT & ENVIRONMENT COMMITTEE)

c.c. J. Pavelka, Chief Administrative Officer  
Management Team



**FIRST REPORT OF THE MAYOR'S TASK FORCE ON DOWNTOWN ISSUES AND RENEWAL**

**To the Council of the Corporation of the City of Hamilton:**

- 1. THAT THE CITY OF HAMILTON TAKE STEPS TO LOWER PROPERTY TAXES IN DOWNTOWN HAMILTON**
- 2. THAT INNOVATIVE PARKING ARRANGEMENTS BE CONSIDERED SO AS TO COMPETE WITH THE FREE PARKING OFFERED CUSTOMERS AT MALLS**

**AND, THAT FREE PARKING BE INVESTIGATED WITH THE VIEW THAT IT MAY PAY OFF IN THE LONG RUN IF IT ATTRACTS MORE PEOPLE DOWNTOWN, THEREBY ENCOURAGING MORE STORES TO OPEN AND THE TAX BASE TO INCREASE.**

- 3. THAT THE HAMILTON PARKING AUTHORITY AND THE ROYAL CONNAUGHT HOTEL BE ENCOURAGED TO CONCLUDE AND IMPLEMENT PLANS FOR A MAJOR MULTI-TIERED PARKING STRUCTURE IMMEDIATELY**
- 4. THAT THE PROVINCE OF ONTARIO BE INFORMED IN THE STRONGEST POSSIBLE TERMS THAT THE MAJOR ENTRANCE TO THE NEW COURT FACILITY MUST BE ON KING STREET.**

**ALSO, PURSUANT TO SUGGESTIONS MADE AT CITY COUNCIL ON FEBRUARY 22ND, 1994 THAT THE REGION BE ENCOURAGED TO SEEK ACTIVE USES FOR THE COUNTY COURT BUILDING AT MAIN AND JOHN STREETS.**

- 5. THAT MAJOR INSTITUTIONAL USES BE ENCOURAGED IN THE DOWNTOWN EAST OF JAMES STREET -**

- MCMASTER UNIVERSITY AND MOHAWK COLLEGE (e.g. UNITED NATIONS UNIVERSITY)**
- FEDERAL AND PROVINCIAL GOVERNMENTS**
- PRIVATE AND EDUCATIONAL INSTITUTIONS - SUCH AS PARK BUSINESS COLLEGE AND SOUTHERN ONTARIO COLLEGE ETC.**



6. THAT RESIDENTIAL COMPLEXES BE ENCOURAGED IN ALL PARTS OF THE CBD - INCLUDING UP-SCALE PROJECTS EAST OF JAMES
7. THAT SPECIAL ETHNIC PROJECTS BE ENCOURAGED EG. CHINATOWNS ON JAMES STREET NORTH AND KING STREET EAST
8. THAT EFFORTS BE RE-INITIATED TO JOIN THE REDEVELOPED AREA EAST OF BAY WITH HESS VILLAGE
9. THAT THE FOUNTAIN PROJECT BE SUPPORTED AS WELL AS ALL ELSE FLOWING FROM THE 1996 CELEBRATIONS
10. THAT ALL B.I.A. AND CITY (AND ANY OTHER) BEAUTIFICATION PROJECTS - FLOWERS, HANGING BASKETS AND TREES ETC. BE SUPPORTED EVEN AMIDST OTHER SPENDING CUTS - THE SAME TO APPLY CITY-WIDE
11. THAT THE FLEXIBILITY ON THE PART OF CITY STAFF VIS-A-VIS PARKING ENFORCEMENT BE APPLAUDED AND REINFORCED
12. THAT THE CITY STUDY THE STANDARD OF LIGHTING ON KING, JAMES AND KING WILLIAMS STREETS WITH A VIEW TO UPGRADING IT SATISFACTORILY
13. THAT THE CITY REVIEW THE COST TO TREAT ALL ASSUMED ALLEYWAYS IN THE CENTRAL BUSINESS DISTRICT AS ROADWAYS VIS-A-VIS SNOW REMOVAL AND MAINTENANCE, ALSO TO REVIEW LIGHTING AND REFUSE. EFFORTS TO BE CO-ORDINATED WITH B.I.A.'S AND BUSINESS ASSOCIATIONS, ETC.
14. THAT CITY STAFF AND THE PUBLIC TO BE ENCOURAGED TO REMOVE POSTERS FROM POLES, ETC. IN ACCORDANCE WITH OUR BY-LAW
15. THAT ALL EFFORTS OF BUSINESS PEOPLE ON JAMES STREET NORTH TO FORM BUSINESS ASSOCIATIONS BE SUPPORTED
16. THAT ALL DOWNTOWN HOTELS BE RE-ASSURED OF THE CITY'S SUPPORT AT ALL TIMES AND THAT THE REGION BE ENCOURAGED TO DO LIKEWISE



17. THAT A PERMANENT COMMITTEE TO MARKET DOWNTOWN BE ESTABLISHED AND CONSIST OF CITY AND REGIONAL STAFF, ALL LOCAL BUSINESS, MEDIA AND ALL OTHER INTERESTED PARTIES
18. THAT A PLEASANT STREET & SIDEWALK AMBIENCE BE A PRIORITY IN ALL DECISIONS - EVERYTHING FROM OUTDOOR CAFES TO BEAUTIFICATION TO POLICE PRESENCE ETC.
19. THAT MAYOR MORROW INVITE GROUPS OF PROPERTY OWNERS TO REGULAR MEETINGS TO SEE WHERE THE CITY CAN HELP FACILITATE COLLABORATION AND CONSOLIDATION OF EFFORTS, JOINT VENTURES ETC. AND ALSO TO DEAL WITH ABANDONED BUILDINGS, LITTER ETC.
20. THAT THE BANKS CONTINUE TO BE ENCOURAGED TO DEVELOP THEIR OWN PROJECTS - ESPECIALLY EAST OF JAMES
21. THAT THE HAMILTON-WENTWORTH REGIONAL POLICE BE THANKED FOR THEIR HELP AND ENCOURAGED TO MAKE AN ABSOLUTE PRIORITY OF THE DOWNTOWN
22. THAT THE CITY BE CONGRATULATED ON AN EXCELLENT JOB ON SNOW REMOVAL OF THE ROADS BUT BE ENCOURAGED TO DO A BETTER JOB ON SIDEWALKS AND ALL PEDESTRIAN AREAS.
23. THAT ADDITIONAL PARKING METERS ON KING STREET BE ENCOURAGED SO THAT MORE PEOPLE WILL PARK AND SHOP IN THE DOWNTOWN
24. THAT POLICE OFFICERS SHOULD BE ENCOURAGED TO PARK ELSEWHERE OTHER THAN AT PARKING METERS ON KING STREET WHEN SPENDING TIME IN COURT
25. THAT THE EXISTING TRAFFIC FLOW BE STUDIED SO THAT IT DOES NOT DISCOURAGE PEOPLE TO DRIVE SLOWLY THROUGH DOWNTOWN AND STOP
26. THAT THE POLICE DEPARTMENT BE REQUESTED TO ENFORCE TRUCK ROUTE ENFORCEMENT ON KING STREET EAST AND, THAT THE THE REGION BE ASKED TO UTILIZE AS MUCH INFRASTRUCTURE PROGRAM MONEY AS POSSIBLE FOR THE PERIMETER ROAD



27. THAT THE TRAFFIC DEPARTMENT STUDY THE DIVERSION OF TRUCK TRAFFIC FROM MAIN STREET
28. THAT THE DOWNTOWN AREA HAVE SOME OF THE NEWSPAPER BOXES REMOVED. THIS SHOULD ASSIST AESTHETICALLY AND MAY GIVE MORE BUSINESS TO THE STORES WHICH SELL NEWSPAPERS.
29. THAT BUS SHELTERS BE CLEANED UP MORE REGULARLY.

RESPECTFULLY SUBMITTED

Robert M. Morrow  
Mayor

1994 March 7



5.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 25, 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

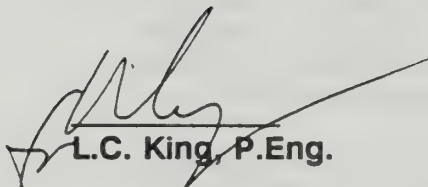
MAR 29 1994

**FROM:** L. C. King, P. Eng.  
Building Commissioner

**SUBJECT:** RESPECTING BY-LAW 81-160  
SIGNS OVER SIDEWALKS AND HIGHWAYS  
(94.2.4.2.1.A, 94.1.6.)

**RECOMMENDATION:**

That City Council enact the attached by-law to amend By-Law 81-160 (regulating signs over Sidewalks and Highways), to permit a sign for the purpose of identification of a business or service, to be removed within 90 days failing the cessation of such business or service, or where the sign is in a dangerous or defective condition.



L.C. King, P.Eng.

LCK/BDA/sb  
Encl.

**FINANCIAL\STAFFING\LEGAL IMPLICATION:**

Any expenses incurred in the removal of the offending sign would be added to the tax roll and collected in a like manner as municipal taxes.



***BACKGROUND:***

At its meeting of February 23, 1994, the Mayor's Task Force on Downtown Issues and Renewals, discussions ensued regarding signs where the faces have been removed, however, the hardware still remains, thereby leaving skeleton signs.

In some cases the businesses are no longer in operation and the buildings are vacant, and the signs no longer comply with the by-law and are in a dangerous or defective condition.

This amendment to the by-law would enable the Building Commissioner to issue Orders and remove the offending signs at no cost to the Corporation. All fees to be charged to the property owner and collected in a like manner as municipal taxes.



The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend: By-Law No. 81-160

Respecting

SIGNS OVER SIDEWALKS AND HIGHWAYS

WHEREAS Section 308 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a Council to enact by-laws to permit persons, under conditions that may be agreed upon, to place, install, construct, maintain and use objects in, on, under or over sidewalks and highways;

AND WHEREAS By-Law 81-160 was enacted by Council on May 11, 1981 to regulate the placement of signs over sidewalks and highways;

AND WHEREAS the Council of The Corporation of the City of Hamilton on (date), in adopting Item (number) of the (number) Report of the Planning and Development Committee, authorized this By-Law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 8 of By-Law 81-160 is amended by adding the following subsections:

(3) The owner or lessee of a lot on which a sign for the purpose of advertising for a business or service is located, shall within 90 days of cessation of such a business or service, remove such sign.

(4) Where in the opinion of the Building Commissioner or his designate, any sign or advertising device is in a dangerous or defective condition, the Building Commissioner shall, by notice of violation, require the owner or lessee of the lot on which sign or advertising device is located, to remove the sign within such time as the Building Commissioner or his designate may specify in the notice."

(5) Upon receipt of a notice of violation from the Building Commissioner or his designate, the owner or lessee of the lot shall take such steps as are necessary to comply with the Notice."

(6) Where the owner or lessee fails to take the necessary steps to comply with the Notice, the Building Commissioner or his designate may cause such sign or advertising device to be removed at the expense of the owner and the Corporation may recover the costs incurred by action in a like manner as Municipal taxes.

PASSED this                      day of                      , 1994

CITY CLERK

MAYOR







148 Cherley Street

FEB 01 1994

Hamilton, Ontario, L9C 3K3

Jan. 26/94

6.

Alderman Henry Werling  
City Hall, Hamilton

Dear Alderman Werling:

Re: Lot Grading Control with Respect to Land Severance  
Applications Creating One, Two + Three Lots

Almost a year ago, on Feb. 3/93, a staff recommendation to the Planning + Development Committee on the above issue was referred to an ad hoc committee, with you as chair. I understand, although the report seemed to be a satisfactory compromise + also seemed to generate support at the full committee level, that you wished to give it further study.

When I had appeared at the P. + D. Committee twice earlier on this issue, you were particularly supportive + helpful in obtaining further staff study + a set of recommendations. I am now anxious to hear of the results of the ad hoc committee review, + wish to appear at the P. + D. Committee when it is presented. Are you at all able to give me an indication of how soon that might be?

Hoping to hear from you soon,

Bob Harkness (332-7661)

c.c. Aldermen Don Drury, Ch. of P. + D. Committee

Aldermen Don Ross, Ward 8

Tina Agnello, Secretary, P. + D. Committee







- RECOMMENDATION -

7.

**DATE:** 1994 March 30  
DA-93-18  
Stinson Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

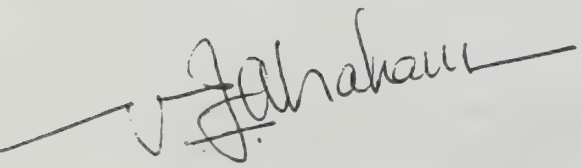
**SUBJECT:** Site Plan Control Application DA-93-18 for development of  
a 51 unit apartment building at 52-62 Victoria Avenue  
South.

**RECOMMENDATION:**

- A: That Site Plan Control Application DA-93-18 by Alpha Development Services Inc., owners of the land at 52-62 Victoria Avenue South, for development of a 51 unit apartment building for non-profit housing, be **DENIED** on the basis that the development is an overintensification of the site.
- B: That approval be given to an amended Site Plan Control Application DA-93-18 by Alpha Development Services Inc., owners of the land at 52-62 Victoria Avenue South, for development of a 51 unit apartment building for non-profit housing, subject to the following:
- a) confirmation that the project has received a final allocation for non-profit housing from the Ministry of Housing for relief from the Rental Housing Protection Act related to the demolition of the existing buildings or alternatively approval of an application for demolition under the Rental Housing Protection Act;
  - b) modification to the plans to provide a total gross floor area of 3059.66 m<sup>2</sup> (F.A.R. of 1.7) instead of the proposed 3688.62 m<sup>2</sup> (F.A.R. of 2.04);
  - c) modification to the plans related to landscape area, notes, and dimensions, as marked in red on the plans;
  - d) dedication to the City of Hamilton of a 3.0 m widening of the alley;



- e) approval by the Committee of Adjustment for the following variances:
- i) to permit a northerly and southerly side yard of 3.0 m instead of the required 4.5m;
  - ii) to permit the required manoeuvring space to be located on the adjacent alley to the west;
  - iii) to permit the required manoeuvring space for the loading area to be located off the property.
  - iv) to permit a gross floor area of 3059.66m<sup>2</sup> to recognise the required dedication of the alley widening.
- f) submission of a revised site plan and elevation drawing to clarify sidewalk area, redesign of the front freestanding masonry wall, location of loading and driveway area at the front entrance area of the building to the satisfaction of the Director of Local Planning;
- g) submission of a landscape plan to the satisfaction of the Director of Local Planning;
- h) submission of a grading plan to the satisfaction of the Director of Development, Roads Department; and,
- i) provision of the appropriate securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993.



V.J. Abraham, M.C.I.P.  
Director of Local Planning



## BACKGROUND:

Plans have been submitted for development of a non-profit 51 unit apartment building to be constructed at 52-62 Victoria Avenue South. The Details of Development are as follows:

• Net Lot Area	1799.8 m <sup>2</sup>
• Gross Floor Area	3688.62m <sup>2</sup>
• No. of Units	51
• Building Height	24m (max)
• No. of Storeys	6 storeys (max)
• No. of parking spaces	52 total (surface spaces:14    Underground:38)
• No. of Loading Spaces	1 at 2.7m x 18m
• Landscape area	755m <sup>2</sup> (including balconies)

The building has been set back from Victoria Avenue South to accommodate a drop-off area and designated loading spaces adjacent to the road allowance and at the entrance of the building. This then connects to the driveway and ramp to the underground parking area adjacent the northerly property line. At the rear of the property 14 parking spaces for visitors and tenants are accessible from the assumed alley. An amenity area with perimeter fencing provides patio, lawn and plantings in the rear yard. Additional tree and shrub plantings are located along the south and north property boundaries.

The initial building elevation provided a tower, having a 9.0m setback from the street with balconies in a regular pattern facing the front and rear yards. An alternate design provides a minor setback of the upper tower and changes to the lower elevation.

The gross floor area of the building is proposed to be increased from the maximum permitted 3059.66 m<sup>2</sup> to 3688.62 m<sup>2</sup>. The development is located along a major arterial street, in close proximity to the central core and will provide much needed housing accommodations.

## COMMENTS RECEIVED:

The Building Department has advised the following:

- a) The required yards are 4.5m.
- b) The permitted gross floor area is 3059.66 m<sup>2</sup>.
- c) The building height states 24m, but scales 17 to 18 m on the elevation drawings.
- d) The manoeuvring space must be at least 6.0m wide and does not appear to be that width beside the eight centre parking spaces.
- e) The loading space and the rear yard parking spaces do not have sufficient manoeuvring space on the property.



The Traffic Department in their attached letter, has commented on providing one way signs, ramp width and grades, and parking and manoeuvring sizes. It is also noted that access to these and adjacent properties is limited to Victoria Avenue (Clairmont Access) and the public assumed alley to the west. The approved plan for the Stinson Neighbourhood indicates that in the future the lands in this block fronting Victoria Avenue will be developed as medium density apartments, and may increase the amount of traffic using the alley as a result of the limited access. It is therefore recommended that the alley be upgraded to standards that will allow for two-way traffic. This will require the dedication of a ten foot strip of land at the rear of the subject property. The upgrading of the alley will extend from the north to the south end and will require dedication from several properties. It is suggested that the Planning Department initiate the implementation of a special by-law on these properties that will require any development adjacent to the alley to dedicate sufficient lands to allow the alley to become two-way.

The Roads Department in their attached letter has commented on a number of issues dealing with grades, visibility, signs for the access driveways, and landscape treatment. A grading plan is required to be submitted to provide geodetic elevations and current survey information.

The Local Architectural Conservation Advisory Committee has advised that the existing buildings at 52-56 Victoria Avenue South are considered to be of heritage value and an important part of the Victoria Avenue streetscape. Due to the heritage streetscape value of these buildings, the Committee is not recommending individual designation under the Ontario Heritage Act but agreed that the most appropriate course of action would be to recommend the following in order to establish an incentive for the preservation of these buildings:

- a) That the Demolition Control By-law be applied to the listed buildings at 52, 54, and 56 Victoria Avenue South; and,
- b) That the Planning Department be requested to review the "E" zoning of Victoria Avenue South in order to determine the feasibility of allowing limited commercial uses within the existing buildings, thereby serving as an incentive for the preservation of listed heritage buildings.

## **COMMENTS**

The proposed development has been the subject of a number of meetings to discuss alternatives and endeavour to resolve a number of issues. However the applicant has requested that the proposal be submitted to the Planning and Development Committee since agreement cannot be achieved. Since the development as submitted is considered to be an overintensification of the site, the application cannot be supported.



However, an amended application can be supported which address the project issues as discussed by the following topics:

#### Housing Allocation and Rental Housing Protection Act:

The applicant has indicated that the proposal for 51 units is the subject of an application to the Ministry of Housing for a housing allocation and therefore will be exempt from the Rental Housing Protection Act. Approval of Site Plan Control Application DA93-18 should therefore include the final allocation as a condition of approval to ensure compliance to the appropriate regulations prior to demolition and construction. Alternatively, an approval for the demolition of the existing buildings must be obtained under the Rental Housing Protection Act. LACAC has indicated that a Demolition Control By-law will be processed upon application for demolition.

#### Density:

In regard to the proposed increase in gross floor area of the building from the maximum permitted 3059.66 m<sup>2</sup> to 3688.62 m<sup>2</sup>, it is recognized that this project will provide much needed housing units. However the proposed increase in floor area translates into a High Density Apartment designation rather than the Medium Density Apartments on the approved Stinson Neighbourhood Plan. Although affordable housing is both encouraged and supported, there does not appear to be sufficient justification to support the submitted increase in gross floor area. The development plans should therefore be modified to reduce the total gross floor area as permitted by the by-law. In addition, the dedication of a 3.0m wide portion of land at the rear would further reduce the permitted gross floor area. A variance to permit the 3059.66m<sup>2</sup> gross floor area can be supported since the site is difficult to access from Victoria Street and there may be an increase in traffic along the alleyway.

#### Building Appearance:

Two alternate building elevations have been submitted by the architect to address the appearance of the proposed apartment building in relation to the adjacent buildings in the area and the streetscape. These two alternatives also provide for an additional 2.0 m setback of the upper three levels. The elevation showing a number of peaks and a variety of facade treatments is considered to be complimentary to the existing streetscape in the area and is recommended to pursue. Other related features such as entrance canopy, steps and ramp, underground parking entrance, loading door area and front sidewalk design must be finalized and should be resubmitted to the satisfaction of the Director of Local Planning.

#### Alley Access to parking area:

The Traffic Department has indicated that 3.0m along the alley should be dedicated to provide for two way traffic due to the increased activity along the rear of the properties abutting Victoria Street. The Planning Department is proceeding with a study to evaluate the appropriate width of the alley in this area. In the interim, the alley should be dedicated at this time to accommodate the two way traffic and the increased activity in this area.



Landscape and Grading Plans:

The landscape and grading plans require a resubmission to include necessary information as normally required on the plans and to revise walkways, stairs and ramps shown on the updated plans.

*CONCLUSION:*

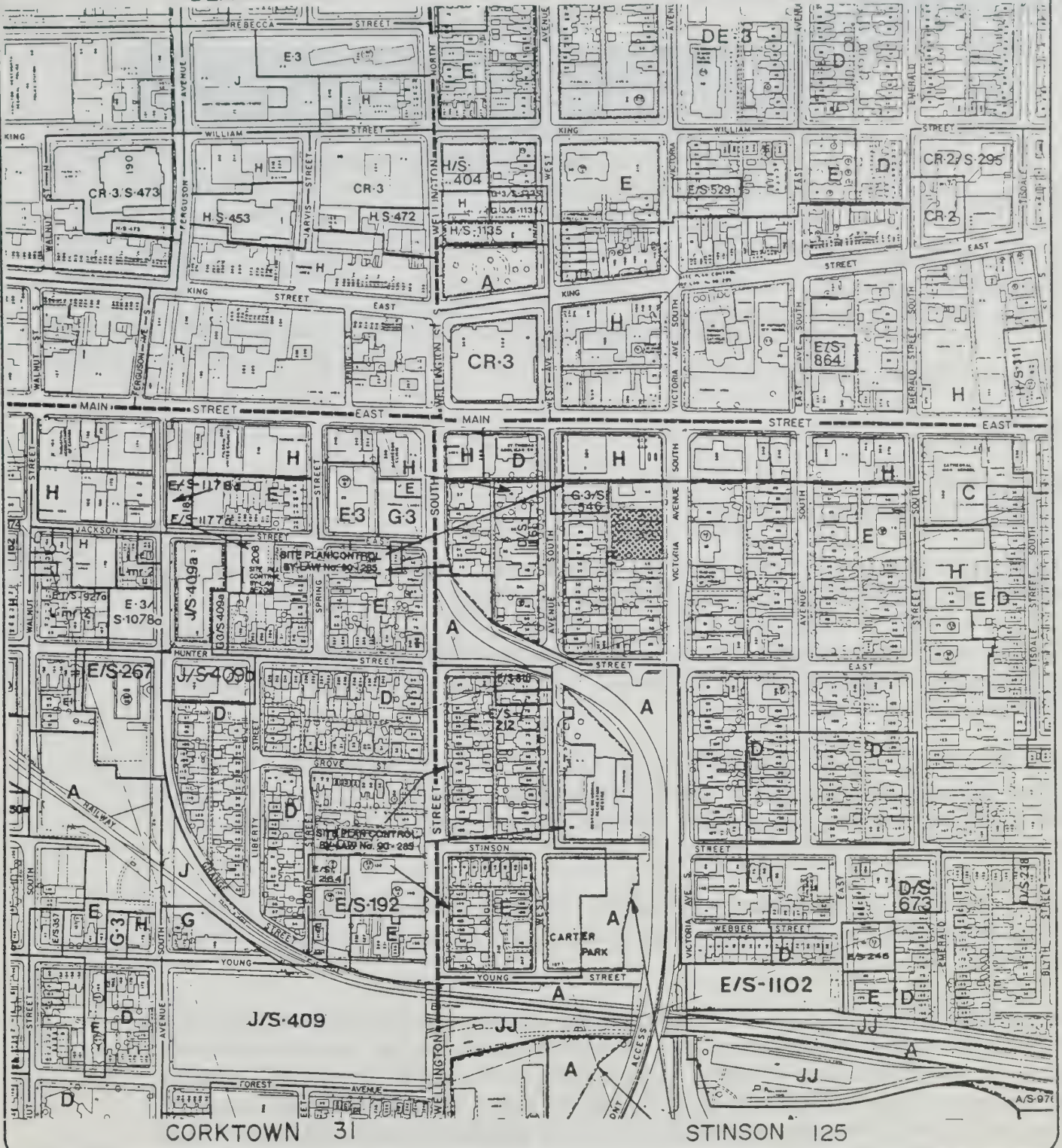
The amended housing proposal can be supported on the basis of the above noted comments and conditions.

JPS  
DA9318



BEASLEY 10

LANDSDALE 95



City of Hamilton

Plan Showing  
Lands Subject to

# Site Plan Control Application DA-93-18

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North

Scale  
1:5000Date  
JULY 6, 1993Reference File No.  
DA-93-18Drawn By  
P. W.





**City of  
HAMILTON**

**TRAFFIC DEPARTMENT**

71 Main Street West, Hamilton, Ontario, L8N 3T4  
Tel. (416) 546-4510 / Fax (416) 546-2419

1993 September 20

Mr. V. J. Abraham, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: **DA-93-18**  
52-62 Victoria Avenue South

PLANNING DEPARTMENT			
SEP 22 1993			
INIT.	INFO.	ACT.	
VA.	8/1		
3J	VM.		
	JPS		

In response to your letter of 1993 June 29 and August 30, please be advised that we have reviewed this application and have the following comments.

We recommend that the south approach be designated as an entrance only and suggest that the appropriate signs (One-Way) be erected at this approach. This designation should be shown on the site plan.

We request that the grade of the underground parking ramp be indicated on the plan so that we may comment accordingly. The applicant should be advised that the grade of the ramp should be a maximum 10 percent. Also, we recommend that the ramp be a minimum 6.0m wide free and clear of any posts.

Parking spaces are to be a minimum 2.7m x 6.0m with a 6.0m maneuvering area as per the Zoning By-law. Modifications to the underground parking area are required in order to achieve these dimensions.

The approved plan for the Stinson Neighbourhood indicates that in the future the lands in this block fronting Victoria Avenue will be developed as medium density apartments. Access to these properties is limited to Victoria Avenue (Claremont Access) and the public assumed alley to the west. As a result of the limited access, the amount of traffic using the alley may increase. We recommend that the alley be upgraded to standards that will allow for two-way traffic. This will require the dedication of a ten foot strip of land at the rear of the subject property. We have discussed the upgrading of the alley with representatives of the Roads Department who concur with this recommendation. The upgrading of the alley will extend from the north to the south end and will require land dedication from several properties. We suggest that the Planning Department initiate the implementation of a special by-law on these properties that will require any redevelopment adjacent to the alley to dedicate sufficient lands to allow the alley to be two-way.

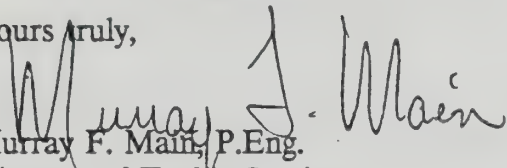




We approve of the location of the accesses in principle, but the applicant should be advised to contact Sue Hayward of the Traffic Department to apply for a Driveway Approach Approval. The detailed approach design will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Should you require further information in regard to these comments please contact Sue Hayward at 546-4575.

Yours truly,



Murray F. Main, P.Eng.  
Director of Traffic Services

RK/SH/ks

c.c. Mr. Geoff Aston, Roads Department



# ROADS DEPARTMENT

## - MEMORANDUM -

\*\*\*\*\*

TO: J. Sakala  
Planning and Development Department

YOUR FILE: DA-93-18

FROM: Eugene P. Chajka, P. Eng.  
Manager of Development  
Roads Department



OUR FILE: E220-1905  
PHONE: 546-2809  
DATE: September 24, 1993

SUBJECT: Revised Plans for DA-93-18 at  
52-62 Victoria Avenue South, Hamilton

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### GRADING AND SERVICING

Our previous comments of July 19, 1993 are still applicable.

  
EH/md 

FILED	SEP 28 1993
LOC	
TO	
FROM	
SUBJECT	
DATE	
INITIALS	
SIGNATURE	JPS



## ROADS DEPARTMENT

### - MEMORANDUM -

\*\*\*\*\*

TO: J. Sakala  
Planning and Development Department

FROM: Eugene P. Chajka, P. Eng.  
Manager of Development  
Roads Department

SUBJECT: Site Plan Control Application DA-93-18  
for 52-62 Victoria Avenue South, Hamilton

YOUR FILE: DA-93-18

OUR FILE: E220-1905

PHONE: 546-2809

DATE: July 19, 1993

#### GRADING AND SERVICING

The grading plan submitted, dated June 1993 cannot be reviewed until the applicant re-submits a plan showing geodetic elevations and current survey information.

#### TRANSPORTATION COMMENTS

We have reviewed the above site plan and submit the following comments:

- 1) The existing and designated road allowance width of Victoria Avenue is 24.38m. There are no plans in the Capital Budget nor in the foreseen future to widen the Claremont Access or that section of Victoria Avenue between Hunter Street and Main Street. Therefore we do not anticipate any further road allowance widenings at this time.
- 2) The applicant should be advised that according to our records, the alley to the rear of the subject lands is public assumed.
- 3) We recommend that the southerly access on Victoria Avenue be signed as a one-way in only and that the north access be a regular two-way access. In this manner, motorists exiting the site can maximize sight lines looking south.

Cont'd....







-page 2-  
July 19, 1993

**Site Plan Control Application DA-93-18  
for 52-62 Victoria Avenue South, Hamilton**

Cont'd...

- 4) Access in general to this site is limited since this site is located on the west side of Victoria Avenue which is one-way northbound. Due to the Claremont Access to the escarpment, is limited. As a result, motorists from the lower City must cross three lanes of traffic on Victoria Avenue from either Hunter Street or Stinson Avenue located on the east side of Victoria Avenue to get to the underground parking garage. Comments from the City of Hamilton Traffic Department with respect to these matters, loading, maneuvering and parking on the site etc. should be considered.
- 5) We require 5m by 5m daylight visibility triangles between the access and the street/property lines in which the maximum height of any object, mature vegetation etc. is not to exceed a height of 0.60m above the corresponding centreline elevations of Victoria Avenue or the public assumed alley.
- 6) We recommend that all objects/vegetation etc. within a 1.5m of the Victoria Avenue road allowance be no higher than 0.60m above the corresponding perpendicular centreline elevation of Victoria Avenue. Fences higher than 0.60m should be set back 3.0m from the street line/alleyway.
- 7) In the absence of any details shown, we advise that no portion of the underground or above ground structure, footings, etc. may encroach into the Victoria Avenue road allowance or the public assumed alley. Any other works which may occur within the adjacent road allowance of the alley must conform to the respective Streets By-Laws.



EH/md







# PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 April 6

8.

## CONSENT AGENDA

### A. ADOPTION OF THE MINUTES

Minutes of the Planning & Development Committee Meeting Held 1994 March 23

### B. DIRECTOR OF PUBLIC WORKS

Ottawa Street Business Improvement Area Revised Schedule of Payment for 1994

### C. ACTING SECRETARY, L.A.C.A.C.

- (a) Importance of Designated Property Grant Programme and Request for Re-instatement of Full Provincial Funding
- (b) Hamilton GO Centre (T.H. & B. Station) - Alterations Under the Ontario Heritage Act

### D. BUILDING COMMISSIONER

- (a) Demolition Permits -
  - (i) 385 MacNab Street North
  - (ii) 389 MacNab Street North
  - (iii) 80 Ward Avenue
  - (iv) 9 Limeridge Road East
  - (v) 86 Holmes Avenue
  - (vi) 194 Beach Road
- (b) Commercial Loan Programme - 588 Concession Street

### E. COMMISSIONER OF PLANNING AND DEVELOPMENT

Authorization for a Public Meeting - Proposed Plan, Mountview Neighbourhood

### F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items







Wednesday, 1994 March 23  
Room 233, City Hall  
9:30 o'clock a.m.

A.

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Alderman F. D'Amico  
Alderman D. Wilson  
Alderman H. Merling  
Alderman M. Kiss  
Alderman Wm. McCulloch  
Alderman B. Charters

**Regrets:** Mayor R.M. Morrow

**Also present:** Victor Abraham, Director of Local Planning  
Paul Mallard, Planning Department  
Bill Janssen, Planning Department  
Carolyn Floroff  
Joanne Hickey-Evans, Planning Department  
Dave Powers, Law Office  
Eugene Chajka, Roads Department  
Peter Lampman, Building Department  
Mike Watson, Property Department  
Roland Karl, Traffic Department  
Lou Lanza, Regional Planning  
Tina Agnello, Secretary

**PUBLIC MEETINGS**

**1.(a) Rental Housing Protection Act - 280 Weir Street North; Homeside Neighbourhood - (CU93-001)**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1994 March 15.

Mr. John Ilich of 280 Weir Street North was present.

Vanessa Gruppe advised that the applicant proposes to convert 11 units into 20. There is a separate report for a Zoning Application on this property. One bedroom apartments cost approximately \$288. per month and two bedroom units are \$319. per month. The conversion is to non-residential use. Under criteria two of the Act, the applicant must relocate renters and the applicant is not willing to do this or provide a moving allowance. Under criteria three of the Act, there has been a detailed analysis done and the conclusion is that the conversion would not have a major impact on rental units in the City since the vacancy rates for the City are 2.9% and for this area are 3.3%. These units are presently at the low end of the affordable scale and it would be difficult for the residents to find rental units in this range. She stated that ten of 7 of the 10 support the conversion, but the tenants have not been informed that they are entitled to compensation. She also advised that Council can require a legal agreement to minimize the impact on the tenants and she suggested that an amount "of the cost of the first and last month's rent being an approximate \$900. be paid to each tenant.



Mr. John Ilich, father of Mr. Mike Ilich, was also present. Mike Ilich advised that he agrees with everything except the moving allowance since in these economic times he cannot afford to pay the moving allowance and that he feels it is not difficult to find other rental units in this range since the vacancy rates are so high.

Dave Bingham of 280 Weir Street North, apartment 7 is opposed to the conversion. He stated that many repairs are needed, that the units will not be adequate for seniors since there are many stairs and that the area is not a great area.

Sandra MacDonald of 280 Weir Street North, apartment 5 concurred.

Mike Ilich added that it is a good place for a residential care facility. There is a school across the street and this area is close to all amenities.

Alderman Wilson stated that a moving allowance should be a requirement. He also did not agree that 11 units should be converted to 20 and he also suggested that six months notice be provided for the residents rather than a four months notice.

In response to a question from Alderman Charters, Victor Abraham stated that the applicants can change their minds once the building is vacant and can still have them as apartments.

Following a brief discussion, the Committee resolved that the application be denied and recommended to Council as follows:

That Rental Housing Protection Act Application CU-93-001, Mike Ilich, owner, for conversion of 11 rental residential apartment units to a residential care facility (second level lodging home) for property located at 280 Weir Street North, Hamilton, be denied, since the proposal would adversely affect the supply of affordable rental housing in Hamilton.

(b) **Zoning Application 93-32, M. Ilich, owner for a modification to the established "DE" District regulations, for lands located at No. 280 Weir Street North; Homeside Neighbourhood**

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1994 March 11.

The Committee resolved that the application be denied and recommended to Council as follows:

That Zoning Application 93-32, Mike Ilich, owner, requesting a modification to the established "DE" (Low Density Multiple Dwellings) District regulations, to permit the conversion of the existing 3 storey - 11 unit apartment building into a Residential Care Facility for a maximum of 20 residents (senior citizens), for property located at No. 280 Weir Street North, as shown on the attached map marked as Appendix "A", be denied for the following reason:

Approval of the application would conflict with the Planning and Development Committee's decision to deny Rental Housing Protection Act Application CU-93-001.



**2. COMMISSIONER OF PLANNING AND DEVELOPMENT****(a) Rental Housing Protection Act Application - 718-732 Dunn Avenue**

As recommended by the Commissioner of Planning and Development in a report dated 1994 February 24, the Committee recommended to Council as follows:

That approval be granted to Application SE-93-001, under the Rental Housing Protection Act, 660261 Ontario Inc., owner, (Aiden Tuite, President,) for the Land Division Committee to Consent to the severance of 6 semi-detached rental residential units into 6 single-family ownership parcels, for 718-732 Dunn Avenue, Units 1-6, Hamilton, Parkview West Neighbourhood, subject to the following conditions:

- (a) That the Owner offer to the Tenants named in Appendix "B", a lease in writing, to lease to each Tenant their premises for a lease term not less than a term of two years from the registration of the RHPA approval agreement required below, at the current rent rate set out in Appendix "B", upon the following minimum terms:
  - (i) that such leases be entered into by both parties prior to the City's execution of the said RHPA Approval Agreement;
  - (ii) that the Tenants' rent shall not be increased during the first two year's of the lease, but that the rent may be increased after that period as otherwise permitted at law;
  - (iii) that the Tenants may terminate the said lease at any time on 60 days notice.
- (b) That the Owner grant to the Tenants named in Appendix "B" an Option to Purchase their Unit specified in Appendix "B", (together with appurtenant interests). Such Option shall allow each Tenant at least two years from the registration on title of the Approval Agreement to exercise their Option to purchase their unit. Within forty-five (45) days Notice of exercising the Option, the Owner shall enter into an Agreement of Purchase and Sale form of Hamilton Real Estate Board, with the necessary amendments for purchase of the Unit from the Owner, incorporating the conditions in Appendix "C" annexed hereto.
- (c) That this RHPA approval shall cease and be at an end,
  - (i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
  - (ii) in any event, within five years from the date of this approval resolution of Council.
- (d) That the Owner shall cause a new land owner of the whole property, if any, to enter into an agreement with each Appendix "B" Tenant to assume the obligations of the Owner herein to the Tenants.
- (e) That the Owner shall enter into an RHPA Approval Agreement with the City satisfactory in the form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in



Appendix "D" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval.

- (f) That upon satisfaction of the above noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

(b) Extension of the hours of sale of liquor in restaurants

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1994 March 15.

The Committee resolved that the recommendation be received.

3. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting held 1994 March 2 were approved as circulated.

**THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:**

B. COMMITTEE ON GO TRANSIT

**GO Transit Environmental Assessment Document - Comments from Advisory Committee on GO Transit dated 1994 March 16**

- (a) That the Minister of Environment and Energy, and GO Transit, be provided with the attached comments regarding the GO Transit Class Environmental Assessment Document, November 1992, as contained in Appendix "E";
- (b) That the City Clerk be directed to forward a copy of the report to the Minister of Environment and Energy, and GO Transit.

C. CITY SOLICITOR

**Offer of Compensation and Notice of Possession**

**Expropriation of Property at 386 Birch Avenue, Hamilton dated 1994 March 4**

That with respect to 386 Birch Avenue, former residential property, expropriated by Expropriation Plan 138710 registered on 1992 November 19 for purposes of removing a non-conforming use in an industrial zone, (pursuant to Expropriation By-Law No. 92-208 enacted on 1992 August 25),

- (a) the City Clerk be authorized and directed to:
  - (i) Sign and serve Notice in accordance with Section 39 of the Expropriation Act, R.S.O. 1990, C. E-26, that possession of the expropriated land is required;
  - (ii) Sign and serve Offers of Compensation in accordance with sec. 25 of the Expropriations Act for the expropriated land as follows:



\$6,620. -	Life Estate Interest	- Freddie Pilgrim - Spouse of Freddie Pilgrim - Edith Ilse Pilgrim
\$1,880. -	Reversionary Interest	- Carrier Canada Limited, former mortgagee - Revenue Canada (Taxation) - D.S. Fraser Equipment Inc., execution creditors - Taylor Steel Inc. - Valance Brown & Co. Ltd.

\$8,500. - Total Offer of Compensation

- (b) The City shall acquire, by purchase, the title held by the Public Trustee of Ontario (as a result of dissolution of F. Pilgrim & Co. Ltd., registered owner of this property) upon payment of \$5,000. for its interest in the property and its administrative expenses.

**D. COMMISSIONER OF PLANNING AND DEVELOPMENT**

**Application to remove part-lot control from lots 56-65 inclusive, "Rymal Estates" Subdivision**

Lou Lanza was present and recommended an amendment to the recommendation before the Committee. This recommendation would require that conditions be met prior to the By-law being approved.

The Committee approved the recommendation dated 1994 March 14 as amended and forwarded it to Council as follows:

- (a) That the request of Ralph Frisina, owner, 100 Main Street East Limited, to remove part-lot control from Lots 56-65 inclusive, "Rymal Estates" plan of subdivision, Registered Plan 62M-679, to allow for the re-alignment of lot lines to increase the lot frontages which would result in an overall reduction of one (1) lot, be approved;
- (b) That the appropriate by-law to remove part-lot control from Lots 56-65 inclusive, "Rymal Estates" plan of subdivision, be enacted by Council after the owner has entered into a modified subdivision agreement to the satisfaction of the Commissioner of Transportation;
- (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,
- (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



**E. BUILDING COMMISSIONER**

- (a) **Commercial Loan Programme Increase - 1031 King Street West dated 1994 March 14**

That a loan increase of \$3,717. be approved for 1018067 Ontario Ltd., 1031 King Street West under the Commercial Loan Programme. The total loan is now \$16,727.

- (b) **Commercial Loan Programme - (i) 1023 King Street West dated 1994 March 14**

That a Commercial Loan in the amount of seventeen thousand and forty-two dollars (\$17,042.) be approved for John and Helen Mouskos. The interest rate will be 2 3/4 per cent amortized over 10 years.

- (ii) 194 Ottawa Street North dated 1994 March 14

That a Commercial Loan in the amount of four thousand and eighteen (\$4,018.) be approved by Baba Tooma. The interest rate will be 2 3/4 per cent amortized over 10 years.

- (c) **1994 Annual Conference of the Ontario Association of Committees of Adjustment**

Alderman Merling felt that in these hard economic times the City cannot afford to send people to a Conference such as this one.

The Committee resolved that the report dated 1994 March 2 recommending that the Chairman of the Committee of Adjustment or his nominee and one other member be authorized to attend the 1994 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days, June 5 to June 8, 1994 in Kingston, Ontario at an expense not exceeding \$900. each be denied.

- (d) **Demolition Permits - (i) 775 West 5th Street, and (ii) 42 Limeridge Road East dated 1994 March 9**

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 775 West 5th Street.
- (b) 42 Limeridge Road East

- (e) **Barton Street Revitalization, Municipal Development Corporation**

Following a brief discussion to determine who the contact people are for this project and also to determine which Ministries will be contacted, the Committee resolved to recommend to Council the recommendation dated 1994 March 10 as amended as follows:

That the Building Department (contact person: Peter Lampman) and Public Works Department (contact person: Hazel Milsome) assume the lead role in the investigation and creation of a Municipal Development Corporation for the implementation of the Barton Street Development Program and that the Minister of Housing, the Minister of Municipal Affairs and the Minister of Economic Trade and Development be so advised.



(f) **Demolition Permit for One and Two Family Dwellings dated 1994 March 9**

Peter Lampman advised that as the report has not been reviewed by the Law Department it may be prudent to refer this recommendation back.

The Committee resolved that the report be referred back to the Law Department for review.

F. **SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**

**Information Item**

As recommended by the Secretary of the Planning and Development Committee in a report dated 1994 March 17, the Committee moved to receive for information purposes the following items which were previously forwarded to members of the Committee under separate cover:

- (a) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1994 February 7.
- (b) Commissioner of Planning and Development: Results of Barton Street Pedestrian Shopping Survey dated 1994 February 21.
- (c) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1994 March 15.
- (d) Carolyn A. Biggs, Regional Clerk's Office: Transportation Services Committee Report 5-94 dated 1994 March 15.

4. **Zoning Application 93-47, 200 Rymal Road East Inc. (J.A. Parente), owner, for a further modification to the established "DE-3" District regulations for lands located at No. 200 Rymal Road East; Allison Neighbourhood.**

Submissions were received from: (a) Kevin McGill, 44 Springside Drive, Hamilton and,  
(b) Janice Lattin, Trans Canada Pipelines, Calgary, Alberta

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1994 March 14.

Angelo Camaricci was present representing the developer. He stated that the old zoning which existed is being requested to be reinstated for this property.

Mr. and Mrs. Marshall Bethune, neighbours and Ken London, also a neighbour, were present to receive more information on this matter.

Carolyn Floroff advised that originally this property was zoned for townhouses and multiple dwellings. The applicant is attempting to re-establish the townhouse units. In the Fall there was a deadline set for site plans to be submitted should the owners of the properties wish the townhouse zoning to remain.



Alderman Merling advised that one of the developers is Tony Di Silvestri and he is also part owner. He said that townhouses are too many in this area and for this reason there has been a hold been placed on townhouse development. He also stated that other people have been refused townhouses which have also been deleted in use. He stated that this application should not be supported, if it is there will be other applications which will be similar.

Mr. Camaricci stated that an attempt was made to submit the applications by November, but that the application was not actually submitted until December.

The Committee resolved that the application be denied and recommended to Council as follows:

That Zoning Application ZAR-93-47, 200 Rymal Road Inc., (John A. Parente) owner, requesting a further modification to the established "DE-3" (Multiple Dwellings) District regulations to permit the development of the subject lands for multiple dwellings and/or townhouses on lands at 200 Rymal Road East, as shown on the attached map marked as Appendix "F", be denied for the following reason:

- (a) it conflicts with the intent of By-law No. 93-161 passed by City Council on July 27, 1993, which deletes townhouse dwellings as a permitted use in the "DE-3" (Multiple Dwellings) District, amongst others; and,
- (b) approval of the application might encourage other similar applications which would undermine the intent of By-law 93-161.

## **5. DIRECTOR OF LOCAL PLANNING**

### **City of Hamilton Response - Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan**

Alex Georgieff, Director of Regional Planning, was present as was Gary Wilson, the author of the Plan and Bill Pierce.

Gary Wilson gave a brief presentation. He stated that the document has taken three years to prepare. They were two intentions to update the plan and provide for urban expansion in area municipalities.

Regional Council has received the draft plan and circulated it to the area municipalities for comments. Two open houses have been held in Hamilton. To date responses have been received from all the area municipalities except the City of Hamilton. 36 groups and agencies have also responded and 11 Ministries have responded. It is the intention to take the final draft for approval on April 25, 1994 and then get the Minister's approval.

The Committee members determined that an item by item review of the plan would take place. As such, discussion ensued on various items within the plan. Following discussion, the Committee resolved to forward to Council the following resolution with regard to the Regional official plan:

- A. That the City of Hamilton endorse the policy contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the following modifications:



- (a) that Part B, Section 3.5 be deleted in its entirety;
- (b) that Part B, Section 3.10 be amended by deleting the word "new" and revising the policy to read " ... of residential units including existing housing stock ...";
- (c) that Part B, Section 3.13 be amended to read "... residential purposes, outside of the urban areas (including all of the City of Hamilton) ...";
- (d) that Part C, Section 1.1.4 be amended to indicate that the Region will investigate the establishment of an environmental reserve fund;
- (e)
  - (i) that Map No. 4 be revised as it relates to the Eastport and West Harbour development;
  - (ii) that Part C, Section 1.1.2(i) be added for Environmentally Significant Areas No. 48 - Hamilton Harbour, specifically Eastport and West Harbour areas, Environmental impact statements will not be required where municipal approvals have been granted;
- (f) that Part C, Section 1.2.1 be amended to delete reference to "other parts" of the Region;
- (g) that Map No. 6 as referred to in Part C, Section 4.3.1 be amended to provide for a third category of roadway to identify "Red Hill Creek Expressway" and a corresponding policy added to Part C, Section 4.3.1.2 to refer to the Expressway;
- (h) that Part C, Section 4.3.1.15 be amended to change the date of Regional Council and that this Section be entirely removed if not approved by Regional Council;
- (i) that Part C, Section 4.3.2.5 be amended to delete " ... and deter the use of public parking facilities for long term use by commuters, especially ... ";
- (j) that Appendix Map No. 2 as referred to in Part C, Section 4.3.3.1 be amended to generalize the bicycle paths in shaded areas and not specific routes, and that Part C, Section 4.3.31 be amended to change "the" to "a".

B. That the City Clerk inform the Regional Clerk of the City's decision.

The Committee members requested that the actual text amendments be forward to them prior to the Council meeting for their review.

## 6. OTHER BUSINESS

### Private and Confidential Session

The Committee resolved to move into closed session to discuss property matters and reconvened immediately thereafter with the following report which they recommended to Council for approval:



That Law Department staff investigate and report back to the Planning and Development Committee on the process for annexing lands south of the City of Hamilton, in the Township of Glanbrook.

7. ADJOURNMENT

There being no further business, the meeting then adjourned.

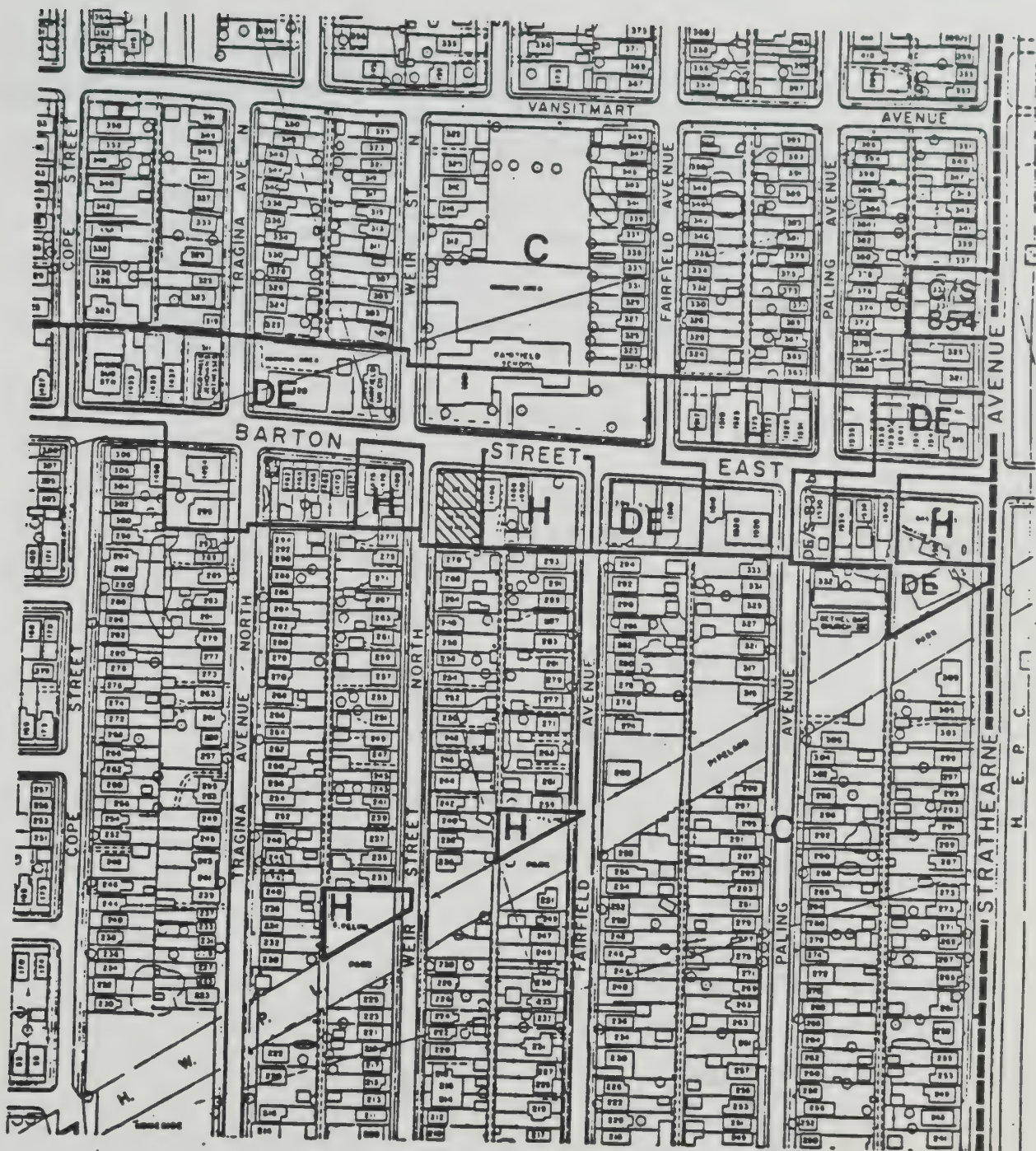
Taken as read and approved.

Alderman D. Drury  
Chairperson  
Planning and Development Committee

Tina Agnello  
Secretary  
Planning and Development Committee

/jt





Legend



Site of the Application

ZAC 93-32



718-732 DUNN AVENUE, UNITS 1-6 - TENANTS AND RENTS

<u>TENANTS</u>	<u>RENTS</u>
Phyllis Barnes 732 Dunn Avenue Unit 1 Hamilton, Ontario L8H 6M8	\$900.00
Occupant 730 Dunn Avenue Unit 2 Hamilton, Ontario L8H 6M8	N/A
Denise Duncan 726 Dunn Avenue Unit 3 Hamilton, Ontario L8H 6M8	\$900.00
Mike Feldman 724 Dunn Avenue Unit 4 Hamilton, Ontario L8H 6M8	\$900.00
Lois Wilson 720 Dunn Avenue Unit 5 Hamilton, Ontario L8H 6M8	\$900.00
Robert Glen 718 Dunn Avenue Unit 6 Hamilton, Ontario L8H 6M8	\$900.00



The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant;
- (b) that the purchase price for the Unit be the price agreed upon between the Owner and the Tenant, not to exceed One Hundred and Thirty Eight Thousand Dollars (\$138,000.00). In the event the purchase price is not agreed upon, the purchase price shall be the lesser of \$138,000 Thousand Dollars, or the average sale price of similar units on the same property at the time the Option is exercised by the Tenant;
- (c) a clause requiring the purchaser to accept title to the semi-detached unit subject to and together with :
  - (i) a right of way over a private roadway for access between their unit and Dunn Ave., which private road will remain under the private ownership of the unit fronting on Dunn Ave.;
  - (ii) a non exclusive shared right of way easement over the said private access roadway;
  - (iii) a private Maintenance Agreement among the six unit owners for the use, maintenance and replacement of the said private access lane. The purchaser shall also acknowledge to the Grantor that the purchaser understands that the City has no responsibility and cannot be required to assumes any responsibility for the said access roadway, including its repair, maintenance and replacement.



The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) Until all 6 of the Lots are sold, the applicant shall covenant to maintain the private lane and indemnify the City from any claims or expense relating to the use or repair of the roadway. The agreement shall also oblige the applicant to require that purchasers of the 6 Lots to accept, sign and fulfil the right-of-way matters and Maintenance Agreement outlined in paragraph (c) of the preceding appendix, as a condition of sale.
- (b) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (c) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of the rental unit.
- (d) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant only and not assignable by the Tenant to anyone, unless approved by the owner, in the owners absolute discretion.
- (e) If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.
- (f) That this approval to the Consent to sever the Owner's land under the provisions of the Rental Housing Protection Act also be conditional upon approval of the related applications to the Committee of Adjustment, for any necessary variances.



## **Comments on Class Environmental Assessment Document**

### **GO Transit should develop facilities which:**

- meet the operational needs of GO Transit and any other affected railways;
- are optimal in terms of all environmental factors, including social, economic, physical, environmental, health, etc.;
- produce minimal impacts on adjacent residents, in terms of their day to day quality of life, especially for residents who live in the immediate vicinity; and,
- are developed with full awareness, participation and input by all affected citizens and agencies, throughout the entire selection process.

### **Project Rating System should:**

- consider residential contact at any juncture regarding related significant impacts as desirable to promote neighbourhood responsibility.

### **Notification Provided to the Regional and Local Municipality should include:**

- detailed engineering information including design, exact details of operations, noise levels arising from operations, any type of background information the municipality may request; and,
- in addition, GO Transit should be encouraged to go through the normal development process, including submission of building permits, site plans, etc.

### **Notification of Residents should:**

- be carried out cooperatively with Regional and Local municipalities;
- include an accurate description and pertinent information to identify possible impacts;
- include newspaper advertisements containing key maps which outline the exact location of the proposed project, information describing the intent of any proposal, related details, and indicating whether there are controversial components; and,
- be mandatory for projects that are within 300 m of any residence or other impacted land use.

### **Bump-ups should:**

- be performed without malice or the intent to jeopardize the entire project;
- not put the onus on residents and municipalities to compile extensive detailed technical information which is beyond their area of expertise;
- delegate GO Transit and the MOEE to analyze the information and work cooperatively with concerned parties to ensure that the residents are protected from adverse impact.



**Individual Environmental Assessments should:**

- be performed when a portion of the proposal is within 300 m of a residence; and,
- allow for such a portion to be considered as an individual Environmental Assessment, although the entire project is not.

**Responses to controversial aspects should:**

- be considered and addressed;
- be actively examined by the MOEE and GO Transit; and,
- be mitigated with conditions that are precise and effective to ensure cooperation between all parties concerned.

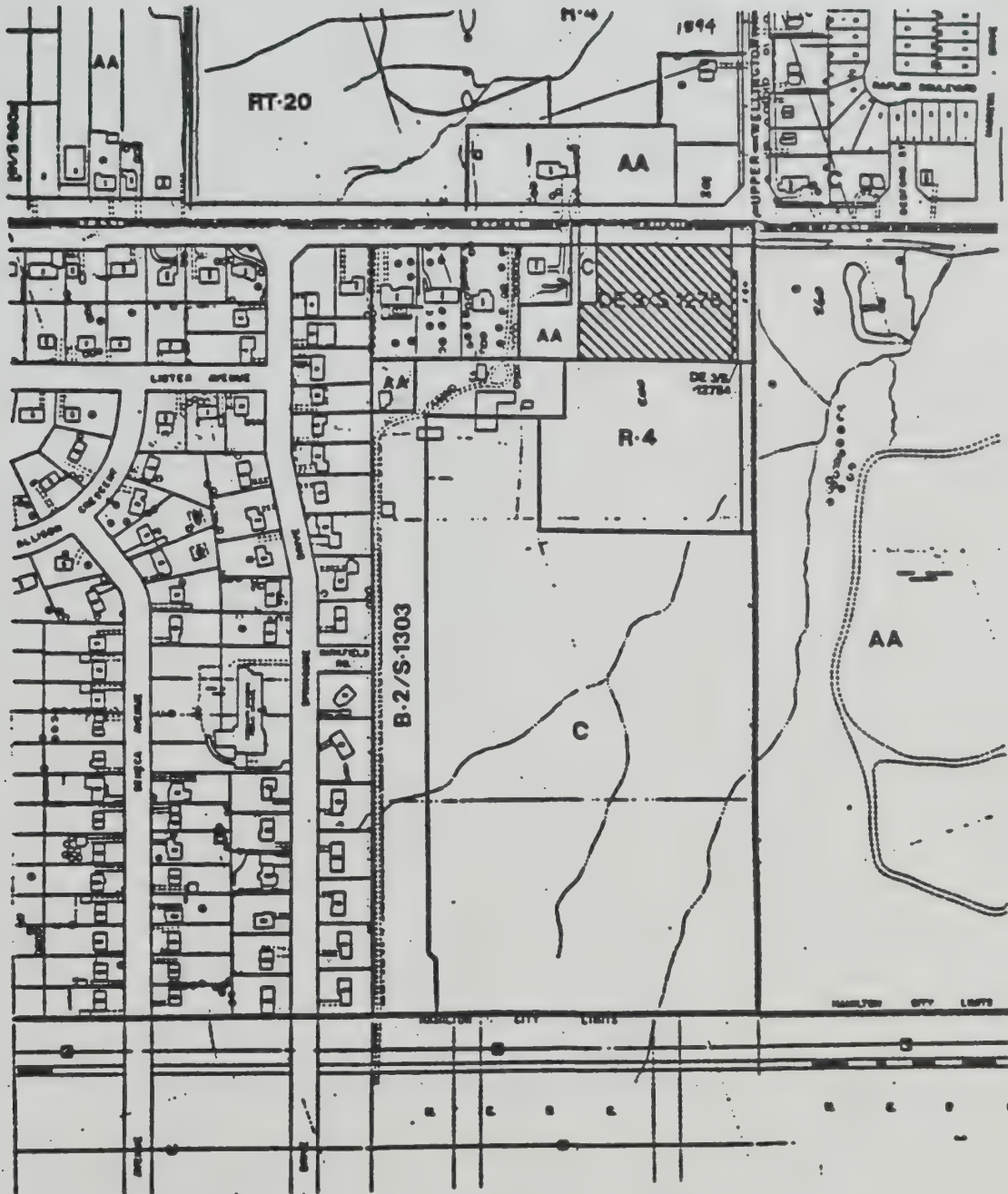
**Mitigation Measures should:**

- take into consideration the desires of the community affected without dismissing their concerns;
- reflect responsible corporate citizenship; and,
- be achieved through timely negotiations with the residents, GO Transit, Regional and Local Municipal staff, elected provincial representative(s), MOEE staff and any other stakeholders, so that the burden of negotiation is shared by these stakeholders and the affected residents, and to reflect involvement and concern by elected and provincial agencies.

**Ministry of Environment and Energy and GO Transit should:**

- have equal responsibility to ensure the protection of the environment, through enforcement of the Environmental Protection Act, in terms of this process.





**Legend**



Site of the Application



ZAR-83-47







B.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 March 29

MAR 29 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

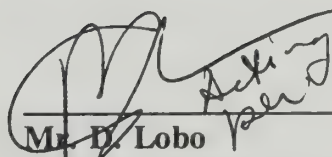
**SUBJECT:** Ottawa Street Business Improvement Area (B.I.A.)  
Revised Schedule of Payment for 1994.

**RECOMMENDATION:**

- a) That the originally approved Schedule of Payment for the Ottawa Street B.I.A.'s 1994 Operating Budget in the amount of \$43,800. be revised as follows:

1994 January 01	\$21,900.
1994 April 01	\$21,900.

Note: 55% (\$17,200.) of the 1993 uncollected levy was deducted from the January installment and, 45% (\$14,430.25) will be deducted from April's installment.

  
\_\_\_\_\_  
Mr. D. Lobo  
Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The amount of forty-three thousand, eight hundred dollars (\$43,800.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of the Operating Budget. In the worst case scenario, if the Ottawa Street B.I.A. ceased to exist in 1994, the City could still levy the budgeted amount approved by Council and collection of these levies would be legally enforceable.



**BACKGROUND:**

City Council at its meeting held 1993 December 14, approved the Ottawa Street B.I.A.'s 1994 Operating Budget and Schedule of Payment in the amount of \$43,800. Payments were identified for January, June and October. Subsequently the Treasury Department calculated the 1993 uncollected levies for the Ottawa Street B.I.A. as \$31,630.25. Procedure dictates that this amount must be deducted from the 1994 installments. The impact of the uncollected levies on the B.I.A.'s 1994 Operating Budget is significant due to the fact that the B.I.A. reduced its budget by 50% from the previous year.

At a recent Board meeting of the B.I.A. the Board reviewed its proposed 1994 expenditures given the tremendous reduction in the installments and have taken initial steps to reduce same. This has been accomplished by releasing their part-time Manager, returning their photocopier and, deleting the Advertising Budget. The B.I.A. is also attempting to organize fundraising events.

In view of the fact that the B.I.A. must pay a severance to the Manager and, that they must prepare in advance for their annual Street Festival in June, the B.I.A. has requested that the City of Hamilton advance the remaining installments to April 01. The Public Works and Treasury Departments have no objection to the release of these funds, given that the City's interests are protected and in light of the circumstances the B.I.A. has found itself in. However, any future requests of this nature should be considered on an individual basis.

c.c. Mr. A. Ross  
City Treasurer  
Treasury Department

HM:hm



Ca)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 28 March 1994

MAR 29 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning & Development Committee

**FROM:** Joy Dubbeld, Acting Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** Importance of Designated Property Grant Program and  
Request for Re-instatement of Full Provincial Funding

**RECOMMENDATION:**

That a letter be sent from Mayor Robert Morrow to the Honourable Ann Swarbrick, Minister of Culture, Tourism and Recreation, confirming the vital importance of the Designated Property Grant Program and requesting that full funding be re-instated.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

*Handwritten signature*

**BACKGROUND:**

The City of Hamilton has successfully participated in the Province's Designated Property Grant Program since its introduction ten years ago. Heritage funding programs, such as this, are crucial to the preservation of Ontario's built heritage. Due to the absence of tax and other economic benefits, they offer the only financial incentives to designate properties under the Ontario Heritage Act and to conserve and restore these buildings.

In February 1993, Hamilton City Council, at the request of its LACAC, endorsed the resolution passed by the Council of the City of Woodstock that the Designated Property Grant Program be continued in 1993, as these grants encourage property owners to



LACAC at its meeting held 1994 March 14 received an information report from J.H. Robinson, Co-ordinator of Housing Loans stating that, due to the reduction in the Designated Property Grant funding for 1993, only 9 of the 14 applicants had decided to proceed (with approximately two-thirds of the grant originally approved). Concern was voiced by the Committee that a continuation of the funding cutbacks and cumbersome changes in procedure experienced last year will lead to an inevitable decline in public interest in the program.

cc Victor Abraham, Director of Local Planning  
Nina Chapple, Planning Department  
John Gamble, Building Department



Cb)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 28 March 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning & Development Committee

**FROM:** Joy Dubbeld, Acting Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** Hamilton GO Centre (T.H.&B. Station) -  
Alterations under the Ontario Heritage Act

MAR 29 1994

**RECOMMENDATION:**

That a Heritage Permit be issued for the following alterations to the former T.H.&B. Station at 36 Hunter Street East, in accordance with the requirements of the Ontario Heritage Act:

- a) Removal of the original limestone cladding, for restoration and re-installation (selected panels to be replaced with new matching stone, where necessary); and,
- b) Removal of all windows of main building, to be replaced by new units replicating the size, shape, configuration and colour of the original ones.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

*Longel per JD*

**BACKGROUND:**

The designation of this property under the Ontario Heritage Act is still in progress but because the "Intent to Designate" has been approved by Council (1993 March 30), the regulations are in effect.

The designated features include all four exterior facades of the main building (including the original windows and limestone cladding), the concrete retaining walls flanking the main (north) facade, the platform canopy, and the interior entrance lobby and two-storey concourse.



In accordance with the requirements of the Ontario Heritage Act, Council must approve any alterations to a designated feature.

Proposed alterations to the platform canopy will be reviewed by LACAC at its upcoming meeting to be held 1994 April 11.

cc Victor Abraham, Director of Local Planning  
Nina Chapple, Planning Department



Da) i)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 28, 1994

MAR 29 1994

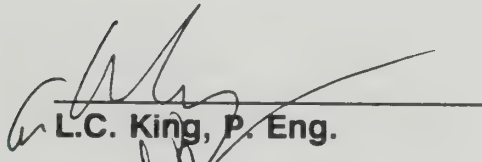
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**385 MACNAB STREET NORTH - Tag Number 91510**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**385 MACNAB STREET NORTH.**

  
\_\_\_\_\_  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "D" Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** New Single Family Dwelling

**BRIEF DESCRIPTION:** 2-storey wood frame dwelling

Owner wishes to demolish the present house (fire damaged) and build a new single family dwelling. No application has been received for the new house. No LACAC interest. Lot size 30.0' x 120.0'.

The owner of the property as per the demolition permit is:

Mr. Manny Rebelo  
534 DiCenzo Drive  
Hamilton, Ontario







Daii)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 28, 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

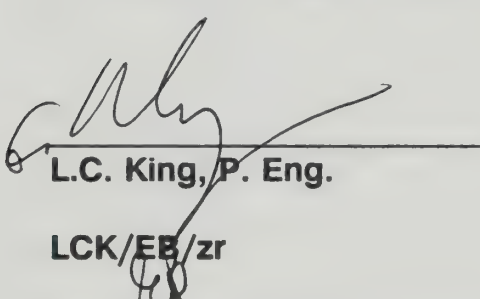
MAR 29 1994

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**389 MACNAB STREET NORTH - Tag Number 91511**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**389 MACNAB STREET NORTH.**

  
\_\_\_\_\_  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "D" Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** New Single Family Dwelling

**BRIEF DESCRIPTION:** 2-storey wood frame stucco dwelling

Owner wishes to demolish the existing house and build a new one. No application has been received for the new house. No LACAC interest. Lot size 30.0' x 120.0'.

The owner of the property as per the demolition permit is:

Mr. Moriera  
534 DiCenzo Drive  
Hamilton, Ontario







Da)iii)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 25, 1994

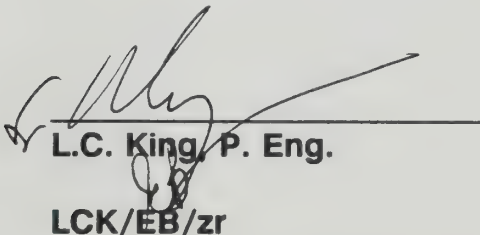
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**80 WARD AVENUE - Tag Number 91383**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**80 WARD AVENUE.**

  
\_\_\_\_\_  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C/S-720 Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** New Single Family Dwelling

**BRIEF DESCRIPTION:** 1-storey brick veneer dwelling

Owner wishes to erect a new single family dwelling. Our Department has not received an application for the new house. No LACAC interest. Lot size 25.0' x 100.0'.

The owner of the property as per the demolition permit is:

Agent - Mark Pillinini  
Bramar Construction  
Hamilton, Ontario







Daly)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 25, 1994

MAR 29 1994

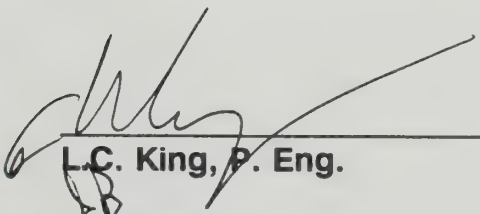
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**9 LIMERIDGE ROAD EAST**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**9 LIMERIDGE ROAD EAST.**



\_\_\_\_\_  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "HH" Commercial

**PRESENT USE:** Variety Store and Attached Single Family Dwelling

**PROPOSED USE:** Red Hill Creek Expressway

**BRIEF DESCRIPTION:** 1-storey store and 2-storey residence

The owner wishes to demolish the existing building to provide for the Freeway.  
No LACAC interest. Lot size 123.2' x 564.78'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth







**CITY OF HAMILTON**

Dav)

**- RECOMMENDATION -**

**DATE:** March 25, 1994

MAR 29 1994

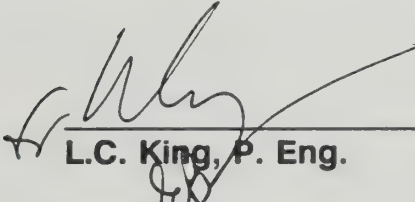
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**86 HOLMES AVENUE - Tag Number 91405**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**86 HOLMES AVENUE.**

  
\_\_\_\_\_  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C/S-720 Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** New Single Family Dwelling

**BRIEF DESCRIPTION:** 1-storey brick veneer dwelling

Owner wishes to erect a new single family dwelling which will contain five (5) to eight (8) bedrooms. We have received an application which is Tag 91386 and is being processed. No LACAC interest. Lot size 50.0' x 100.0'.

The owner of the property as per the demolition permit is:

Agent - Mark Pillinini  
Bramar Construction  
Hamilton, Ontario







David

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 25, 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

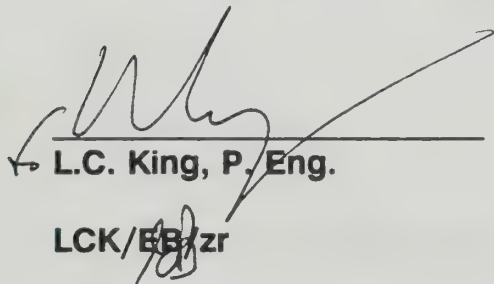
**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**194 BEACH ROAD - Tag Number 91451**  
(94.1.1.A)

MAR 29

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**194 BEACH ROAD.**

  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** K/S-727 Heavy Industrial

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Parking

**BRIEF DESCRIPTION:** 1-storey frame dwelling

Owner wishes to demolish house in poor condition and provide a parking area.  
No LACAC interest. Lot size 28.3' x 86.0'.

The owner of the property as per the demolition permit is:

Marco Biundo  
28 Audubon Street North  
Stoney Creek, Ontario







DB1

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** March 23 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

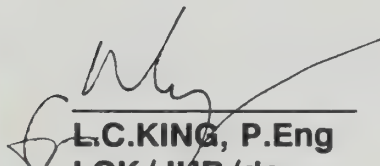
**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** COMMERCIAL LOAN PROGRAMME  
588 CONCESSION ST (94.2.4.2.1.A)

MAR 29 1994

**RECOMMENDATION:**

That a Commercial Loan in the amount of nineteen thousand, seven hundred and twelve dollars (\$19,712) be approved for Camtech Photographic Services Limited. The interest rate will be 2 3/4 per cent amortized over 10 years.

  
\_\_\_\_\_  
L.C.KING, P.Eng  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A**

**BACKGROUND:**

The owners of 588 Concession Street have applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Concession Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Camtech Photographic Services Limited for improvements to 588 Concession Street in the amount of \$19,712. The loan will be amortized over a 10 year period at 2 3/4 per cent interest. The monthly payments will be \$188.10 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department  
D. Powers, Law Department







E.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 March 29  
(P5-2-103)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

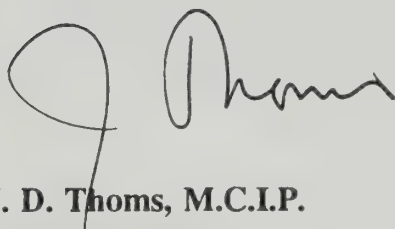
**FROM:** J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

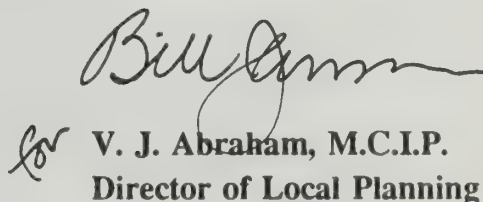
Authorization for a public meeting - Proposed Plan, Mountview Neighbourhood.

**RECOMMENDATION:**

That the Planning and Development Committee authorize a Public Meeting to discuss the proposed Neighbourhood Plan and accompanying Official Plan Amendment.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



## **BACKGROUND:**

The Mountview Neighbourhood Plan was approved by City Council on May 2, 1988. Subsequent to the Plan's approval, a request for a Neighbourhood Plan review was received for approximately ninety acres owned by Chedoke Health Corporation (see attached map). Chedoke Health Corporation hired a planning consulting firm to undertake the Neighbourhood Plan Review, which commenced in 1990.

The lands of Chedoke Health Corporation are currently designated "Institutional" on the approved Mountview Plan; the results of the review recommend a variety of residential densities ranging from "Single and Double" to "Medium-Density Apartments". The revisions also address the street pattern within Chedoke's lands in order to provide access to and from the proposed new development. It has also been determined that an Official Plan Amendment will be required to implement the proposed Neighbourhood Plan. The amendment will require changes from "Institutional" to "Residential" and from "Institutional" to "Open Space".

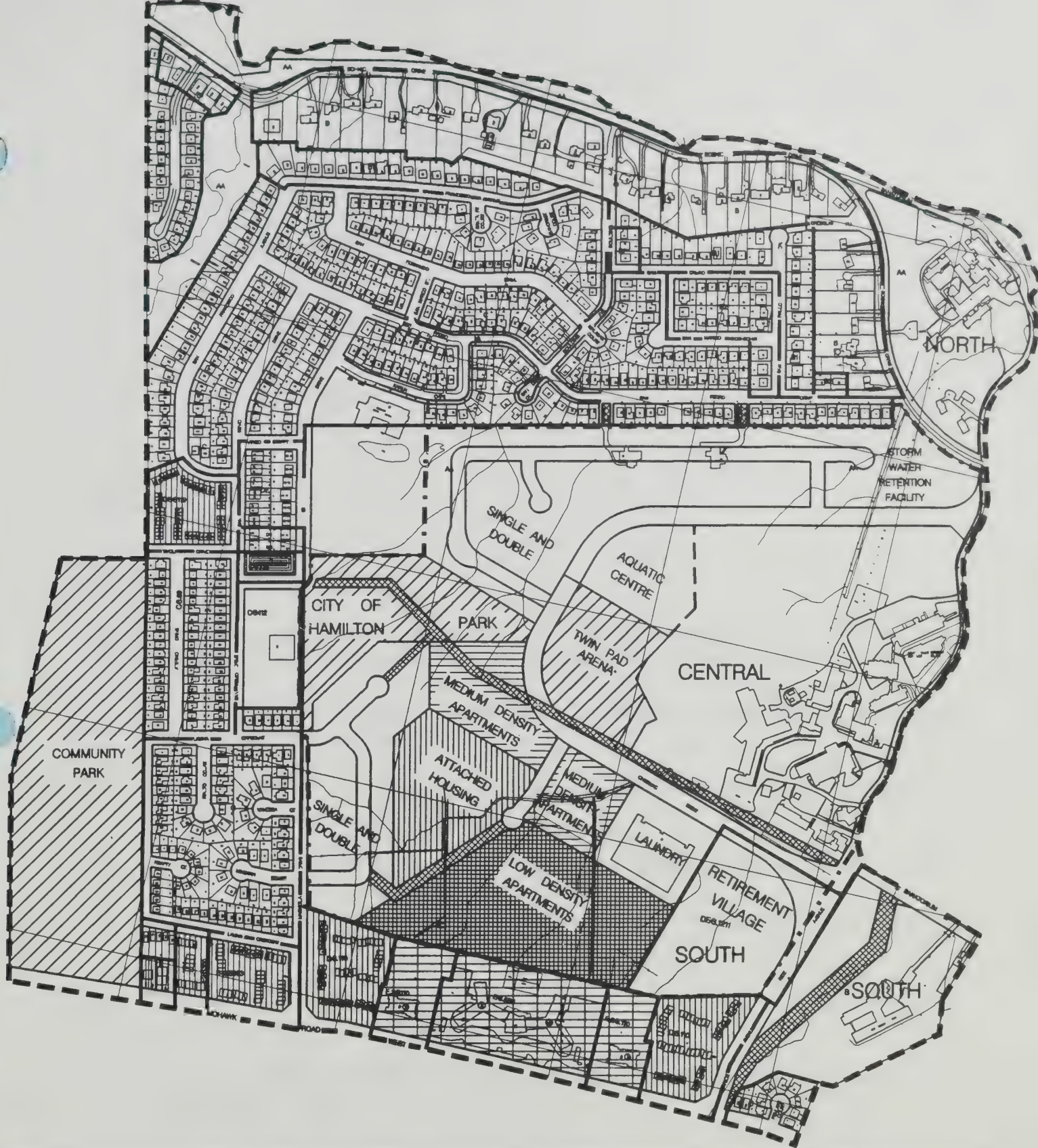
An information meeting was held in June of 1993 by the consultants for Chedoke Health Corporation. Based on the information meeting; the comments received from various City and Regional Departments; and the comments from external agencies, the consultants have submitted a revised draft Neighbourhood Plan amendment.

## **CONCLUSION:**

Given the changes that have been made to the proposed plan since the Information Meeting, it would be appropriate, at this time, to schedule a Public Meeting to present the revised Neighbourhood Plan and the Official Plan Amendment to the residents of the Mountview Neighbourhood.

M.L.T.:ns  
MOUNTVIEW





## Land Use

### Residential

- Single and Double
- Attached Housing
- Low Density Housing
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments
- Area of Neighbourhood Plan Amendment

### Non-Residential

- Commercial
- Industrial
- Office and Institutional
- Park and Recreational
- Open Space
- Utilities
- Commercial Industrial

## PROPOSED MOUNTVIEW NEIGHBOURHOOD PLAN AMENDMENT



Prepared for the City of Hamilton by the Planning and Development Department  
Regional Municipality of Hamilton-Wentworth

Note: This is not a legal document. For zoning verification, please contact the City Building Department.







F.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 March 31

**REPORT TO:** Alderman D. Drury, Chairperson  
and Members  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Downtown Action Plan Co-ordinating Committee: Christmas Light Grant Programme, 1994 January 21.
- (b) Lynda Morris Management Services Limited: City Initiative 91-H, Regulations for Public Parking Lots, 1994 January 31.
- (c) Mr. & Mrs. Lewis: Redevelopment Plans for the Thistle Club Site, 1994 February 1.
- (d) Adrienne Young: Buckingham York Ltd. Meeting 1994 February 2 at 9:30 a.m., 1994 February 2.
- (e) L. King, Building Commissioner: Building Department Initiatives, Ontario New Home Warranty Programme, 1994 March 28.
- (f) L. King, Building Commissioner: Building Department Initiatives Telephones, 1994 March 28.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

TA/jt







CA4 ON HBLA05  
C51P4  
1994



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

## NOTICE OF MEETING

### PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 April 20  
9:30 o'clock a.m.  
Room 233, City Hall

A handwritten signature in dark ink, appearing to read 'Tina Agnello'.

Tina Agnello, Secretary  
Planning and Development Committee

### A G E N D A:

#### 9:30 O'CLOCK A.M.

#### PUBLIC MEETING

1. Zoning Application 94-05, Tinh Vuu, owner, for a modification to the established "H" District regulations, for property located at No. 650 Barton Street East; Gibson Neighbourhood.
2. Amendment to the Official Plan and Amended Zoning Application 94-03, Ivo Civitarese Et Al, owner, for a further modification to the established "E-1" District regulations, for property located at No. 180 Walnut Street South; Corktown Neighbourhood.
  - (a) Submission - Gail Thompson, 155 Charlton Avenue East (801)







3. **REFERRAL FROM COUNCIL MEETING OF 1994 MARCH 29**

Zoning Application 93-47, 200 Rymal Road East Inc. (J.A. Parente) owner.

4. **REFERRAL FROM TRANSPORT AND ENVIRONMENT COMMITTEE**

Request to consider waiving payment of Building Permit fees for construction of the Field House/Indoor Bocce Facility at Olympic Park.

(Building Commissioner's report to be distributed at the meeting.)

5. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Site Plan Control Application DA-93-40, for a 43 unit apartment complex at 1365 Limeridge Road East.

6. **CORRESPONDENCE** (Previously Tabled)

Bob Harkness - Lot Grading Control with respect to Land Severance Application

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**







## PLANNING AND DEVELOPMENT COMMITTEE

### OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
4.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
5.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
6.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
7.	Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods	1993 July 21	Planning & Traffic	Tabled to allow review by Staff
8.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending







<b>Item No.</b>	<b>Item</b>	<b>Original Date</b>	<b>Action</b>	<b>Status</b>
9.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
10.	Review of Parking Lot Regulations - Minimum lighting requirement for safety	1993 November 3	Planning	Report Pending
11.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
12.	Demolition permits for one & two family dwellings	1994 March 23	Law Department	Referred to staff for legal review
13.	Official Plan Amendment and rezoning 93-43 for land in front of 1094 Upper Sherman Ave.	1994 April 6	Planning Department	Tabled to allow staff, applicant and Ward Aldermen to meet (must be re-circulated)
14.	Zoning Application 93-43 for lands in rear of 1094 Upper Sherman Ave.	1994 April 6	Planning Department	Tabled to allow staff, applicant and Ward Aldermen to meet (must be re-circulated)

Tina Agnello, Secretary  
1994 April 13







**CITY OF HAMILTON**  
**- RECOMMENDATION -** APR 13 1994

**DATE:** 1994 April 8  
ZAR-94-05  
Gibson Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

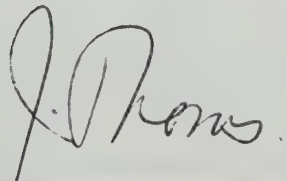
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

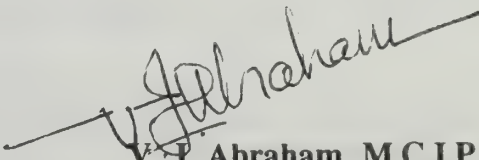
**SUBJECT:** Request for a modification in zoning - 650 Barton Street East

**RECOMMENDATION:**

That Zoning Application ZAR-94-05, Tinh Vuu, owner, requesting a modification to the existing "H" (Community Shopping and Commercial, etc.) District regulations to permit live entertainment (live music) in conjunction with the existing restaurant/tavern for lands at 650 Barton Street East, as shown on the attached map marked as APPENDIX "A" be **DENIED** on the following basis:

- i) The "H" Districts are generally applied to strip commercial areas located at the periphery of residential neighbourhoods. Due to the proximity of these commercial strips to residential areas, uses which may have adverse spillover effects, such as live entertainment, are not permitted. In this regard, the proposal conflicts with the intent of the Zoning By-law, with regard to the prohibition of live entertainment in the "H" (Community Shopping and Commercial, etc.) Districts;
- ii) The proposal would be incompatible with adjacent residential uses, given the potential for adverse spillover effects (ie. excessive noise, loitering, littering, etc.); and,
- iii) Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.

  
**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V. J. Abraham, M.C.I.P.**  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is requesting a modification to the existing "H" (Community Shopping and Commercial, etc.) District regulations to permit live entertainment (live music) in conjunction with the existing restaurant/tavern.

**APPLICANT:**

Tinh Vuu, owner.

**LOT SIZE AND AREA:**

The subject lands have:

- a frontage of 15.24 m (50 feet) on Barton Street East;
- a depth of 31.7 m (104 feet); and,
- a lot area of 483.1 m<sup>2</sup> (5,200 feet<sup>2</sup>).

**LAND USE AND ZONING:**

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Restaurant/Tavern and two residential units	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	Institutional	"H" (Community Shopping and Commercial, etc.) District, modified.



to the south	Public Parking	"G-3" (Public Parking Lots) District
to the west	Institutional (Polish Alliance Hall)	"H" (Community Shopping and Commercial, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated **Commercial** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14      The **EXTENDED COMMERCIAL** category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i)      "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- A.2.2.35      Where **COMMERCIAL USES** are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i)      Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the **COMMERCIAL USE** are mitigated;
  - ii)      Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
  - iii)      Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.37      In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the **COMMERCIAL** designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.



- A.2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.
- A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal does not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Commercial" on the approved Gibson Neighbourhood Plan. The proposal does not conflict with the intent of the approved Neighbourhood Plan.

#### ***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority advise they have no objection.
- The Building Department advise:
  - "1. The submitted survey plan does not show existing conditions. Additions to the building were erected in 1961 and 1972.
  2. Parking has not been provided in accordance with Section 18A. Parking is required on the basis of four (4) for the residential use and one (1) for every six (6) persons lawfully accommodated in the restaurant. Adequate manoeuvring spaces is also required.
  3. The proposed "live entertainment" shall not be interpreted to include any "Adult Entertainment Parlour."
- The Licensing Division of the Clerk's Department advises:
 

"Events which have been held at the above mentioned premises and the licensed public hall at 644 Barton Street East (Polish Alliance) have resulted in complaints from the surrounding neighbourhood of excessive noise, littering and loitering in the parking lots at the rear of these facilities.

The activity has been reduced somewhat by the cold weather. It is anticipated that the problems will reoccur when the weather changes. We have been unable to determine from our investigation whether one or both premises are creating the problem.

It is our intention to monitor these premises over the next few months."



- The Roads Department advise:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The designated and existing road allowance width of Barton Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

We understand that there will be no modifications to the exterior of the building and we have reviewed the application on that basis.

According to our records, the alley to the rear of the subject lands is public assumed.

Any works which may occur within the Barton Street road allowance or the public assumed alley must conform to the respective Streets By-laws."

- The Traffic Department advise:

"In response to your letter of 1994 February 24, please be advised that we have reviewed the above application and have the following comments:

1. It is our understanding that the existing restaurant use has operated as a restaurant for a number of years while providing limited parking on site. Public parking is readily available in Parking Authority lots on the adjacent lands to the south which serve this and other commercial use in the area.
2. The renovations associated with this application to permit live entertainment have resulted in a reduction in the number of seats in the restaurant from approximately 150 to 130.

Since the conditions related to parking have existed for a number of years and the approval of the application will result in a reduction of the intensity of the use, we can support the proposed modification to permit live entertainment.

Coincident with the approval of the modification in zoning, variances to the Zoning By-law may be required regarding the number of parking spaces and manoeuvring area provided."

#### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan or the approved Neighbourhood Plan.



2. The application cannot be supported for the following reasons:

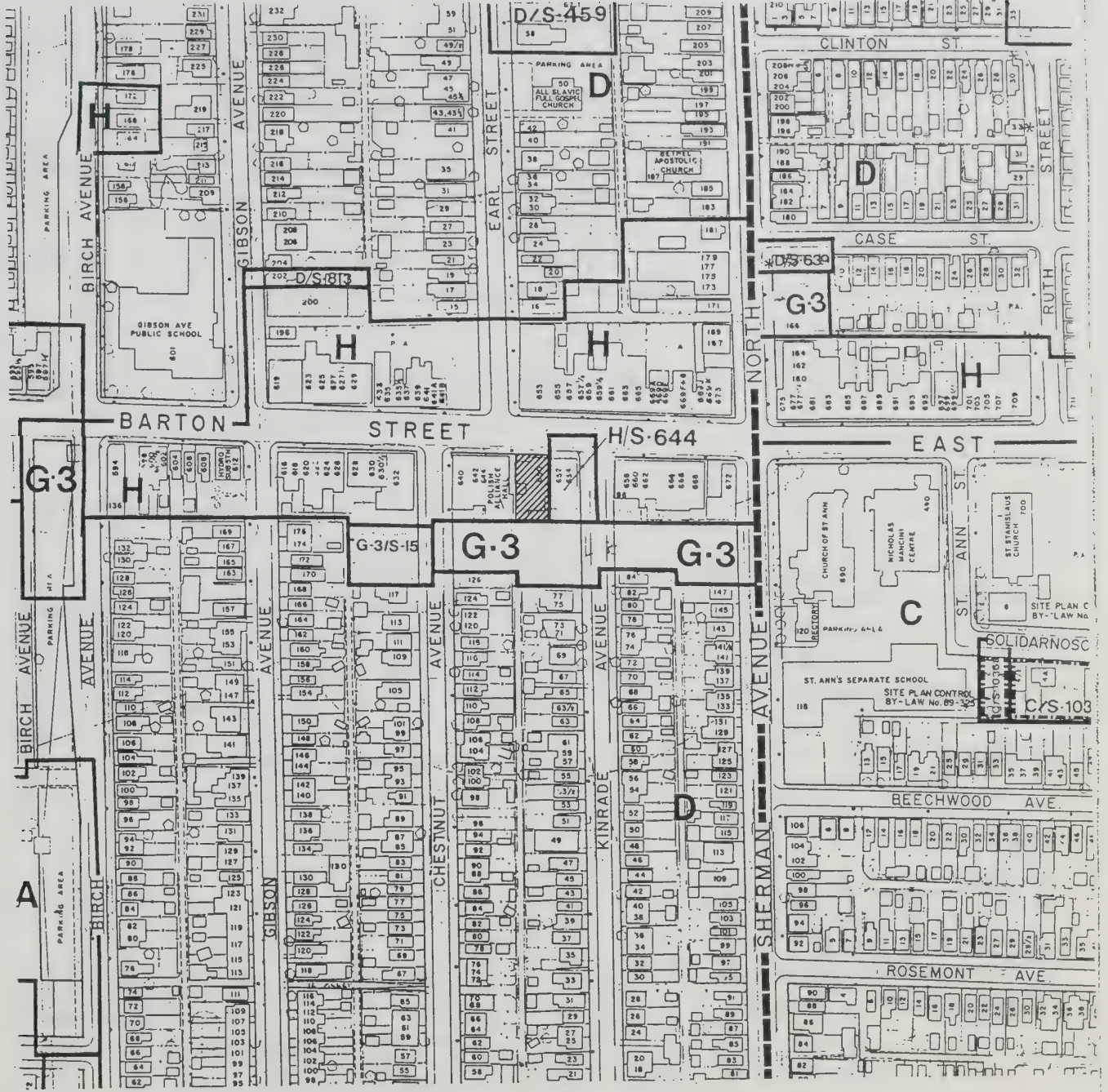
- The "H" Districts are generally applied to strip commercial areas located at the periphery of residential neighbourhoods. Due to the proximity of these commercial strips to residential areas, uses which may have adverse spillover effects, such as live entertainment, are not permitted. In this regard, the proposal conflicts with the intent of the Zoning By-law, with regard to the prohibition of live entertainment in the "H" (Community Shopping and Commercial, etc.) Districts;
- The only commercial districts which permit live entertainment are the "G-2" (Regional Shopping Centre) Districts, "HH" (Restricted Community Shopping and Commercial) Districts, and "I" (Central Business District) Districts. Therefore, the proposal also conflicts with the general intent of the Zoning By-law to direct these types of uses, which have potential for negative impacts on adjacent residential areas, to be located within major shopping centres, major highway type commercial strips and the Central Business District;
- The proposal would be incompatible with adjacent residential uses, given the potential for adverse spillover effects (ie. excessive noise, loitering, littering, etc.). In this regard, the Licensing Division has indicated that the subject property has been a source of complaints from residents of excess noise, littering and loitering occurring in the public parking lot to the south of the subject property; and,
- Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.

**CONCLUSION:**

On the basis of the foregoing, the application can not be supported.

CL-M





Legend



Site of the Application



ZAR-94-05

APPENDIX A







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 13 1994

2.

**DATE:** 1994 April 12  
ZAC-94-03  
Corktown Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

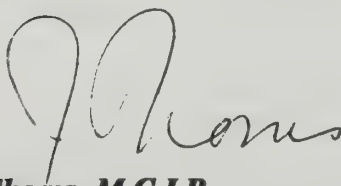
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a further modification in zoning - No. 180  
Walnut Street South

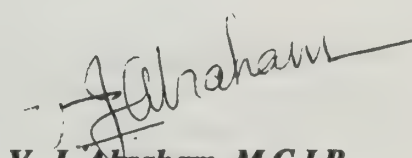
**RECOMMENDATION:**

That amended Zoning Application ZAC-94-03, Ivo Civitarese et al, owner, requesting an amendment to the Official Plan to establish a new Special Policy Area and a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a restaurant within the existing building, for property located at 180 Walnut Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reason:

- i) The proposal would be incompatible with surrounding residential uses given the potential for spillover effects (e.g. noise, parking, litter, etc.).



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a restaurant within the existing building.



• Zoning By-law No. 76-312

City Council, on November 30, 1976, passed By-law No. 76-312 which rezoned the subject lands from "E-3" (High Density Multiple Dwellings) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to allow the conversion of the existing building for commercial office use only.

**APPLICANT:**

Ivo Civitarese et al, owner.

**LOT SIZE AND AREA:**

The subject lands have:

- a frontage of 10.06 m (33 feet) on Walnut Street South;
- a frontage of 18.66 m (61.22 feet) on Forest Avenue; and,
- a lot area of approximately 188 m<sup>2</sup> (2,023.68 feet<sup>2</sup>).

**LAND USE AND ZONING:**

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Office Use	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District
to the east	Row Housing	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Single-Family Dwelling, Office	"E-3" (High Density Multiple Dwellings) District
to the west	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District



**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others apply:

- "A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv)      Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.2.25      The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26      The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.
- A.2.2.35      Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i)      Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
  - ii)      Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
  - iii)      Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.36      The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- A.2.2.39      No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

The proposal conflicts with the intent of the Official Plan. Approval of the application will require an amendment to the Official Plan to create a new Special Policy Area to provide for the proposed use.



## ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "High Density Apartments" in the approved Corktown Neighbourhood Plan. Approval of the application will necessitate a redesignation to "Commercial & Apartments".

## ***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority advises they have no objection to the proposal.

- The Building Department advises:

- "1. A restaurant is not permitted in a "E-1" District."
2. A restaurant with a seating capacity of seventy (70) persons, requires six parking spaces.
3. The area of the building does not require a loading space.
4. The actual depth of the rear yard is insufficient to provide a 3.0m wide loading space."

- The Traffic Department advises:

"The proposed zoning and corresponding amendment to the Official Plan for 180 Walnut Street is satisfactory. The applicant has included a preliminary plan that indicates two potential boulevard parking spaces on Forest Avenue. Any reference to these parking spaces should be deleted from the zoning application and any future development application. If the applicant wishes to pursue leasing boulevard parking spaces, he should contact Mr. Chris van Berkel at 546-2068."

- The Roads Department advises:

"Our Environmental Services Department advises that there are public watermains and combined storm and sanitary sewers available to service these lands and they have no objection to the proposed amendment.

Our Roads Department has the following comments and recommendations:

According to our records, the existing road allowance width of Walnut Street South and Forest Avenue, adjacent to the subject lands, is 20.12m. Therefore, we do not anticipate any further road allowance widenings at this time.

According to our records, there is an existing landscape agreement between the owner and the City of Hamilton registered as Instrument No. 186104CD on May 14, 1981. According to the survey plan submitted by the applicant, the existing building encroaches into the Forest Avenue road allowance and the stone porch encroaches into the Walnut Street South road allowance. It appears that these encroachments were not included in the Landscape Agreement.



We therefore recommend that as a condition of approval that the applicant/owner enter into an encroachment agreement with the City of Hamilton for these structural encroachments. Alternatively, the applicant may wish to amend the existing agreements to include these structural encroachments. The applicant should contact Mr. J. Clairmont of this office at 546-4279 to determine the best way to deal with this matter.

We recommend that, if possible, the closed board fence at the west property line be recessed 3m from the Forest Avenue road allowance to maximize motorist visibility entering the Forest Avenue road allowance from the proposed loading area. The gate in front of the loading area is not permitted to swing out onto the road allowance.

The boulevard parking within the Forest Avenue road allowance, as shown on the site plan, is not considered part of this application and arrangements must be made with the Traffic Department to permit this use.

Comments from the City of Hamilton Traffic Department with respect to access, loading, maneuvering, boulevard parking etc. should be considered.

We have reviewed this application on the basis that there will be no external changes to the existing building at No. 180 Walnut Street South and that this application does not include lands at 135 Forest Avenue.

Any other works which may occur within the Walnut Street South road allowance or the Forest Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Heritage Planning Staff for LACAC advises:

"180 Walnut Street South is listed on the **Inventory of Buildings of Architectural and/or Historical Interest**.

Adaptive re-use of the building is encouraged, provided that the heritage character of the exterior is retained.

For your information, the McLaren Mission building, affiliated with the Church of the Ascension at Forest and John Streets, was originally constructed on another site. The first entry found in the assessment rolls is 1880, at Wellington and Maria (now Forest) Streets.

The site was appropriated in 1897 by the Canadian Pacific Railway for freight sheds and the Mission was taken apart and re-erected, stone by stone, at its present location."

#### **COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan. Approval of the application will necessitate an amendment to establish a new Special Policy Area to provide for the proposed use.
2. The proposal conflicts with the intent of the approved Corktown Neighbourhood Plan. Approval of the application will necessitate an amendment to redesignate the subject lands to "Commercial & Apartments".



3. The following is a summary of the positive and negative aspects of the proposal:

- Positive

It would provide for an adaptive re-use of a listed building of Architectural and/or Historical Interest.

- Negative

The proposed restaurant use would be incompatible with existing residential development in the surrounding area. In this regard, potential spill-over effects (e.g. odour, noise) may negatively impact on surrounding residential uses.

There is no provision for required parking (i.e. 6 spaces). Accordingly, patrons would be forced to park in the residential areas which is undesirable.

Although the Department supports the opportunity to preserve the existing heritage building, it is felt the proposed restaurant is inappropriate. Under the Zoning By-law there is no classification system for restaurants. Accordingly, the potential exists for the establishment of a high traffic generator (e.g. sports bar, tavern, etc.).

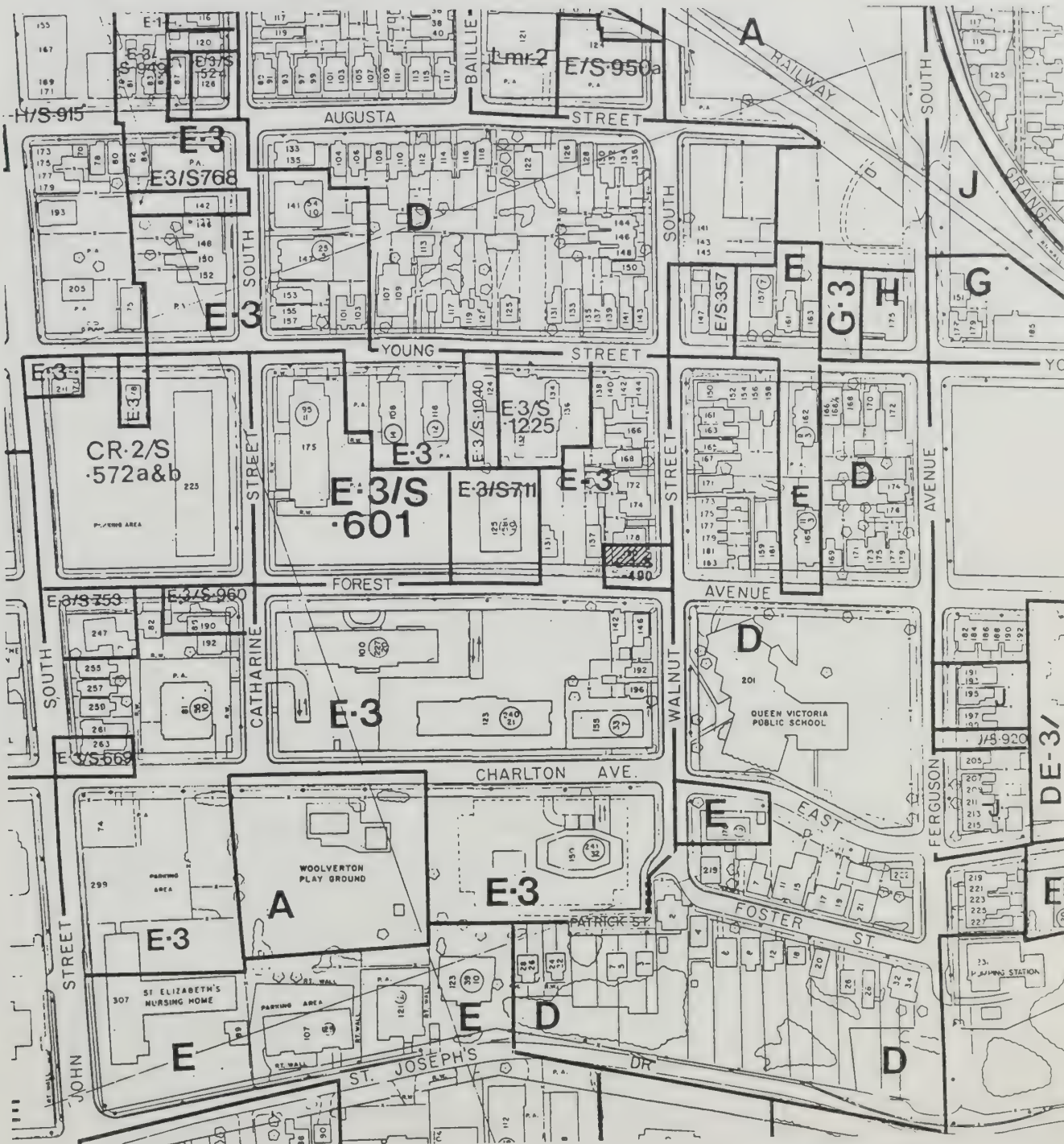
However, consideration could be given to an amended application to permit limited commercial conversion, in addition to the permitted office use, to more compatible uses such as those contemplated by the McNab-Charles Heritage District Plan (e.g. art galleries, bookstores).

**CONCLUSION:**

On the basis of the foregoing, the amended application cannot be supported.

CLF/  
ZAC9403





Legend



Site of the Application









2d  
EAST

155 Charlton Ave E  
(801)  
HAMILTON, ON L8N 1Y8

City Of Hamilton  
Planning Department  
City Hall

71 Main St. West.

Hamilton, ON L8N 3T4

APRIL 6/94

RE: PROPOSED MODIFICATION IN  
ZONING [E-1" 150 WALNUT ST. SOUTH]

I OPPOSE THE RESTAURANT.  
THERE IS A ~~S~~ SCHOOL KITTY  
CORNER FROM 150 WALNUT SOUTH.

THERE IS ALREADY TOO MUCH TRAFFIC  
~~S~~ AROUND THIS AREA.

THE RESTAURANT WILL OF COURSE  
BE SELLING BOOZE; SO WHO  
IS GOING TO BE RESPONSIBLE  
IF A CUSTOMER GETS INTO THE  
CAR & KILLS OR INJURES A CHILD.

ARE  
THERE ~~ARE~~ <sup>ARE</sup> TONES OF CHILDREN THAT  
PLAY IN THAT IMMEDIATE AREA  
& ON THAT CORNER. WHICH, WITH  
MORE TRAFFIC WILL INCREASE THE  
RISK OF A CHILD ~~BE~~ GETTING HURT  
OR KILLED, OR GETTING PICKED UP.

REMEMBER TO KEEP THE CHILDREN IN  
MIND WHEN DECIDING ON ZONING.



Yours truly,  
Carl Thompson



71 Main Street West, Hamilton, Ontario, L8N 3T4  
Tel. (905) 546-2700 / Fax (905) 546-2095

1994 April 04

Mr. A. Di Silvestro  
Adisco Limited  
161 Rebecca Street  
Hamilton, Ontario  
L8R 1B9

Dear Mr. Di Silvestro:

**Re: Zoning Application ZAR 93-47  
200 Rymal Road East**

[illegible]

Please be advised that City Council, at its meeting of 1994 March 29, received your request to defer the decision of the above-noted Zoning Application for a period of one month.

For your information, this is to advise that Item 11 of the Fifth Report of the Planning and Development Committee regarding the Zoning Application was referred back to the Planning and Development Committee for subsequent report back to Council within four weeks.

Yours truly

*W. H. C. Lee*

**J.J. Schatz**  
City Clerk

cc: Alderman D. Drury, Chairperson, Planning and Development Committee

Victor Abraham, Director of Local Planning

Tina Agnello, Secretary, Planning & Development Committee







# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1994 March 14  
ZAR-93-47  
Allison Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a further modification in zoning - 200 Rymal Road East

### RECOMMENDATION:

That approval be given to Zoning Application ZAR-93-47, 200 Rymal Road Inc. (John A. Parente) owner, requesting a further modification to the established "DE-3" (Multiple Dwellings) District regulations to permit the development of the subject lands for multiple dwellings and/or townhouses on lands at 200 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of By-law No. 6593, as amended by By-law No. 92-211, applicable to the subject lands be further modified to include the following variance as a special requirement:
  - a) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, townhouse dwellings will be permitted subject to the "RT-20" (Townhouse - Maisonette) District provisions of Section 10E.
- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1278b, and that the subject lands on Zoning District Map E-9E be notated S-1278b;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,

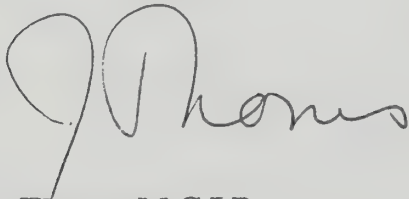


- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

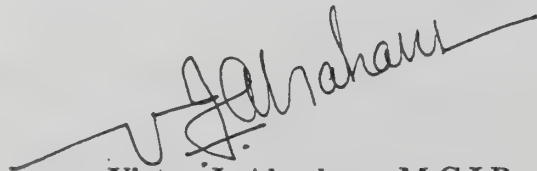
#### EXPLANATORY NOTE:

The purpose of the by-law is to provide a further modification to the "DE-3" (Multiple Dwellings) District regulations for lands at 200 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law to permit the development of the subject lands for multiple dwellings and/or townhouses.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**Victor J. Abraham, M.C.I.P.**  
Director of Local Planning

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

#### BACKGROUND:

- Proposal

The applicant is requesting a further modification in the existing "DE-3" (Multiple-Dwellings) District regulations to allow the development of the subject lands for multiple dwellings and/or townhouses.

- Site Plan Control Application DA-93-37

A Site Plan Control Application was received in November, 1993, to develop the subject lands for 43 townhouse units. The application is currently on hold pending the outcome of the subject zoning application.



- By-law No. 93-161

City Council, on July 27, 1993, passed By-law No. 93-161, which deleted townhouse dwellings as a permitted use in the "DE-3" (Multiple Dwellings) District, amongst other zoning districts.

In considering this matter at their meeting of July 21, 1993, the Planning and Development Committee heard a submission from the applicant that their intent, through the approval of By-law No. 92-211, had been to develop the subject lands for multiple dwellings and/or townhouses. On this basis, they did not support the proposed by-law to delete townhouses from the multiple dwellings districts (e.g. "DE-3" (Multiple Dwellings) District). The Planning and Development Committee agreed that the applicant would have until November 1, 1993, to receive site plan approval on the subject lands, at which time the by-law (By-law 93-161), if passed, would be amended to allow an exemption for the subject lands. The applicant did not meet this condition and, subsequently, the subject zoning application has been submitted.

- By-law No. 93-042

On February 23, 1993, City Council passed By-law No. 93-042. The purpose of this by-law was to rezone lands to the south from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified to allow not more than 29 lots to have a width of not less than 15.0 m and an average lot area of 510.03 m<sup>2</sup>, to "C" (Urban Protected Residential, etc) District and to "R-4" (Small Lot Single-Family Detached District, in accordance with an approved plan of subdivision (see APPENDIX "B" attached).

- By-law No. 93-038

City Council, on February 23, 1993, passed By-law No. 93-038, which rezoned lands to the south from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and to "R-4" (Small Lot Single-Family Detached) District (see APPENDIX "B" attached).

- By-law No. 92-270

City Council, on October 27, 1992, passed By-law No. 92-270, which rezoned a 2.88 m strip immediately to the east to "DE-3" (Multiple Dwellings) District, modified to prohibit street townhouse dwellings from fronting directly onto Upper Wellington Street and Rymal Road (see APPENDIX "B" attached).



• By-law No. 92-211

City Council, on August 25, 1992, City Council passed By-law No. 92-211 which rezoned the subject lands from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, modified and adjacent lands to the west fronting onto Rymal Road from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District. Variances to the "DE-3 (Multiple Dwellings) District included the following:

- to require a minimum 21.0 m wide setback for any buildings or structures, except a fence, measured from the westerly lot line;
- to require a landscaped area of not less than 21.0 m in width be provided and maintained along the westerly lot line and prohibits street townhouses fronting on Rymal Road and Upper Wellington; and,
- to require a visual barrier of not less than 1.2 m and not more than 2.0 m be provided and maintained along the entire westerly lot line.

**APPLICANT:**

200 Rymal Road Inc. (John A. Parente), owner.

**LOT SIZE AND AREA:**

The subject lands have:

- a frontage of approximately 120 m (393.7 feet) on Rymal Road East;
- a depth of approximately 85 m (278.9 feet); and,
- a lot area of approximately 10,000 m<sup>2</sup> (107,642.6 feet<sup>2</sup> or 2.47 acres).

**LAND USE AND ZONING:**

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"DE" (Low Density Multiple Dwellings) District, modified



### Surrounding Lands

to the north	Vacant and Single Family Dwellings	"AA" (Agricultural) District
to the east	Cemetery	"AA" (Agricultural) District
to the south	Vacant	"R-4" (Small Lot Single Family Dwellings) District
to the west	Vacant and Single Family Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

### **OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst other apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.



- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
  - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
  - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the intent of the Official Plan.

#### NEIGHBOURHOOD PLAN:

The subject lands are designated "Low Density Apartments" in the approved Allison Neighbourhood Plan. The proposal to develop townhouses on the subject lands conflicts with the intent of the approved Neighbourhood Plan and an amendment will be required to redesignate the lands to "Attached Housing". If the lands are developed for multiple dwellings than an amendment to the Neighbourhood Plan will not be required.

#### COMMENTS RECEIVED:

- The Building Department and the Hamilton Region Conservation Authority advise they have no comment or objection.



- The Traffic Department advises:

"Provided that no street townhouses are permitted to have direct frontage onto Rymal Road or Upper Wellington, we find the requested zoning modifications to be satisfactory."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road East is 36.58m. According to our records, the Region previously acquired Part 3 of Reference Plan 62R-1201 by Instrument No. 188447 C.D. (Parcel 185). Therefore, no further road allowance widenings on Rymal Road East are required.

For the information of the Committee, Upper Wellington Street will be extended to the south of Rymal Road East as a mid-block collector street into the neighbourhood which will require a 12.19m x 12.19m daylight triangle at the south-west corner of Rymal Road East and the Upper Wellington Street frontage.

We recommended, as a condition of a previous zoning approval, that the subject lands be developed under a draft plan of subdivision with the lands to the south (Allison Estates), to the satisfaction of the Regional Roads Department...

...Comments from the City of Hamilton Traffic Department with respect to access should be received..." (See APPENDIX "C" for full comments).

- TransCanada PipeLines advises:

"TransCanada PipeLines's facilities are located in the Hydro Corridor to the south of this location. We have no objections to this rezoning subject to the following conditions:

- 1) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operation on the site.
- 2) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."



## COMMENTS:

- 1) The proposal complies with the intent of the Official Plan.
- 2) The proposal to develop the subject lands for townhouses conflicts with the intent of the approved Allison Neighbourhood Plan and an amendment will be required to redesignate the lands to "Attached Housing". If the lands are developed for multiple dwellings than an amendment is not required.
- 3) The applicant had originally intended to develop the subject lands for multiple dwellings and/or townhouses through Zoning Application ZA-91-76 which resulted in the passing of By-law No. 92-211. When Planning and Development Committee considered City Initiative CI-93-A to delete townhouses from the multiple dwellings districts (e.g. "DE-3" (Multiple Dwellings) District) (which resulted in By-law No. 93-161), they agreed to give the applicant until November 1, 1993, to receive site plan approval on the subject lands and By-law No. 93-161 would be amended to allow an exemption for the subject lands. The applicant did not meet this condition and has subsequently made the present application.

In essence, approval of the proposed modification would have the effect of re-establishing the previous approval (By-law No. 92-211) to allow for townhouses and/or multiple dwellings on the subject lands.

Further the proposal can be supported on the following basis:

- it complies with the intent of the Official Plan by providing for RESIDENTIAL development with a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
  - it would be compatible with the existing and planned low density development in the surrounding area; and,
  - it is suitably located at the intersection of two major roads (Rymal Road East and Upper Wellington Street, is on a public transit route, and is within close proximity to existing and planned commercial development along Rymal Road East.
- 4) In keeping with the Traffic Department's comments, By-law No. 92-211 prohibits the development of the subject lands for street townhouses.
  - 5) The comments received from the Roads Department also included comments with respect to conditions pertaining to the draft plan of subdivision and the site plan control application. A full copy of their comments are found in APPENDIX "C" attached.



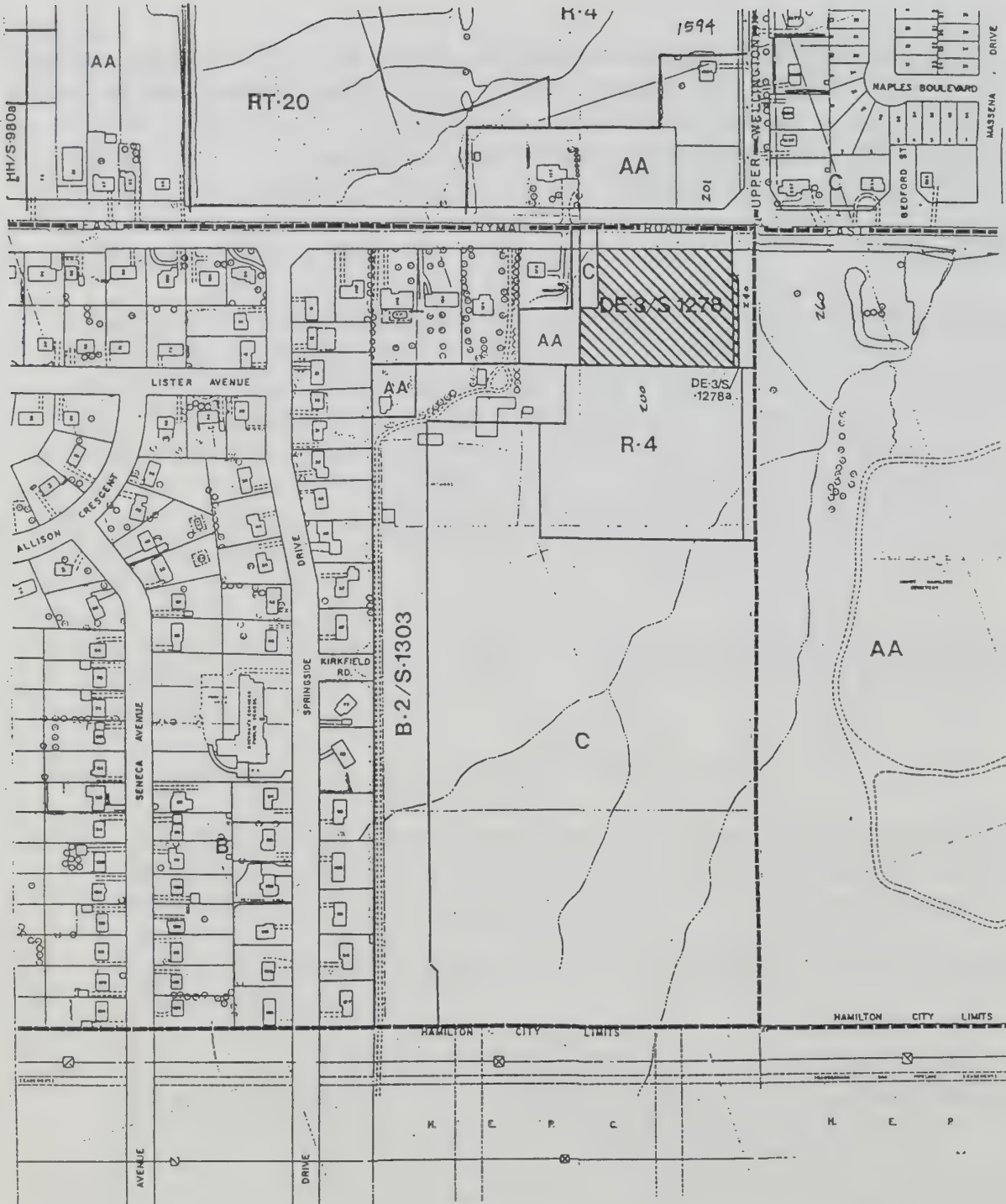
- 6) The requested "DE-3" (Multiple Dwellings) District zoning is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as parking, loading, access, grading, landscaping and fencing, the concerns of TransCanada PipeLines, etc. will be dealt with at the site plan control stage of development.

## CONCLUSION:

On the basis of the foregoing, the application can be supported.

CLF/  
93-47



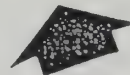


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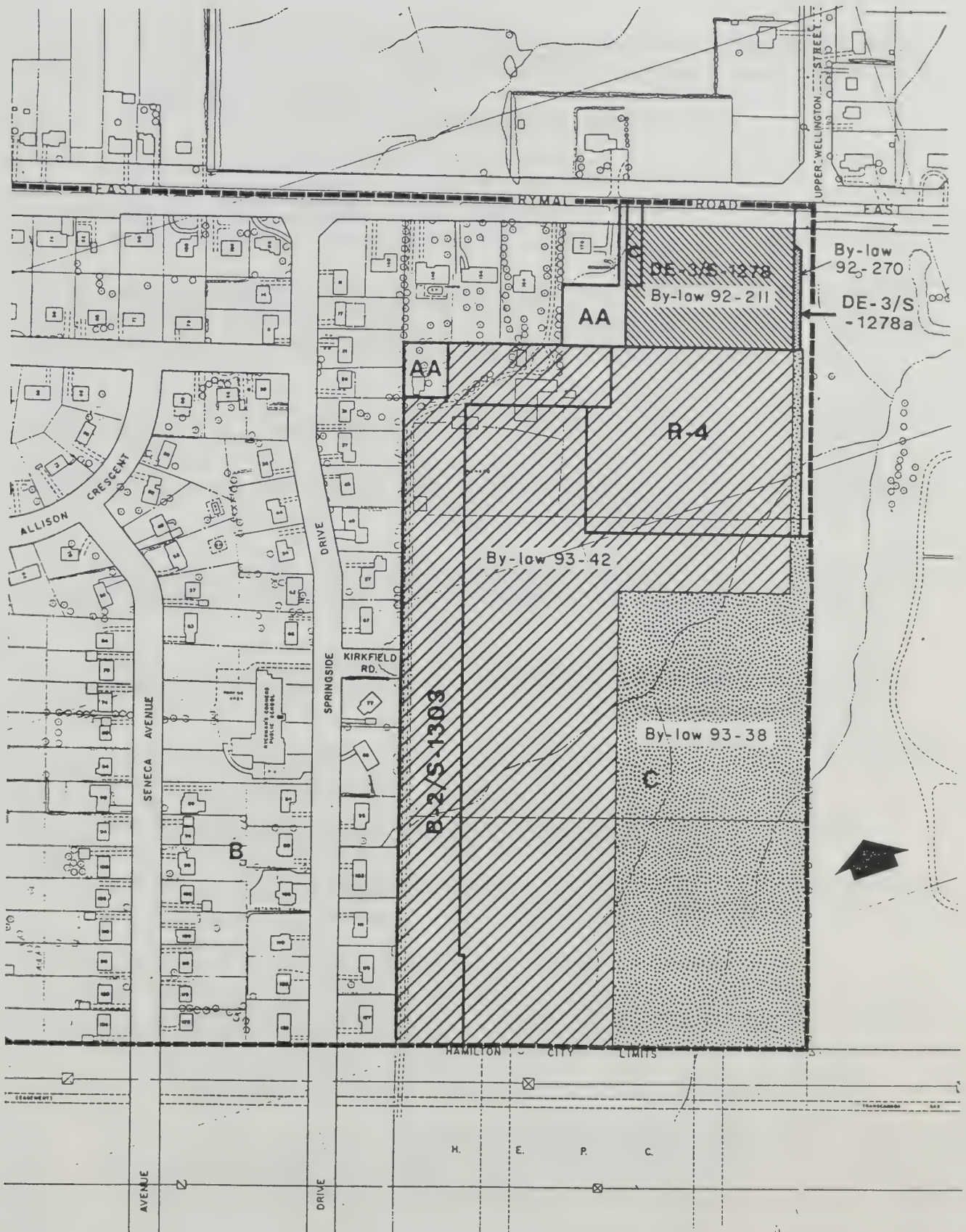
Site of the Application

APPENDIX A



ZAR-93-47







## APPENDIX "C"

### ROADS DEPARTMENT COMMENTS

"There are public watermain and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road East is 36.58m. According to our records, the Region previously acquired Part 3 of Reference Plan 62R-1201 by Instrument No. 188447 C.D. (Parcel 185). Therefore, no further road allowance widenings on Rymal Road East are required.

For the information of the Committee, Upper Wellington Street will be extended to the south of Rymal Road East as a mid-block collector street into the neighbourhood which will require a 12.19m x 12.19m daylight triangle at the south-west corner of Rymal Road East and the Upper Wellington Street frontage.

We recommended, as a condition of a previous zoning approval, that the subject lands be developed under a draft plan of subdivision with the lands to the south (Allison Estates), to the satisfaction of the Regional Roads Department.

For the information of the applicant/owner, we will recommend as a condition of draft plan of subdivision approval that:

- 1) A daylight triangle be dedicated to the Region at the south-west corner of Rymal Road East and the Upper Wellington Street extension shown as Part 1 of Reference Plan 62R-12407. This triangle when combined with a portion of Part 4 of Reference Plan 62R-12407 (which is to be incorporated into the Upper Wellington Street extension road allowance) will establish a 12.19m x 12.19m daylight triangle.
- 2) The applicant/owner acquire the following excess lands from the Region of Hamilton-Wentworth of the City of Hamilton, which are not required for daylight triangle road widening purposes or the extension of Upper Wellington Street, south of Rymal Road East and incorporate these lands into the lands to be developed:
  - a) Part 2 of Reference Plan 62R-12407
  - b) Part 3 of Reference Plan 62R-12407



- 3) The applicant/owner purchase the following lands from the Region of Hamilton-Wentworth or the City of Hamilton, which are to be incorporated into the Upper Wellington Street extension:
  - a) Part 4 of Reference Plan 62R-12407
  - b) Part 6 of Reference Plan 62R-12407
  - c) Part 7 of Reference Plan 62R-12407
  - d) Part 8 of Reference Plan 62R-12407
- 4) The applicant/owner pay to the City/Region all outstanding servicing costs for the extension of Upper Wellington Street, south of Rymal Road East adjacent to the subject lands and the lands to the south (Allison Estates).
- 5) That the 26.0m road allowance of the Upper Wellington Street extension be established.
- 6) That the extension of Upper Wellington Street be constructed during the development state.

Comments from the City of Hamilton Traffic Department with respect to access should be received.

In addition, for your information, we made the following comments with respect to grading concerns for the site plan (DA-93-37).

The grading plan submitted, dated Nov 4, 1993, can be approved when the following items have been revised.

- 1) The plan submitted must be clearly stamped by an Engineer or Architect.
- 2) The applicant has informed us that he does not intend to connect the rainwater leaders directly into the storm sewers and these plans have been reviewed on this basis.

We require a stormwater management report, prepared by a qualified Water Resources Engineer, proving that the on site drainage will be contained within the property boundaries in the event of a major storm. We also require the location of the rainwater leader discharge points to be shown on the grading plan.

The buildings abutting Rymal Road and Upper Wellington Street are not allowed to discharge their storm runoff into the road allowances since there will be a significant increase in runoff due to the addition of the roof areas.



We also require additional catch basins at these locations on site to intercept any runoff into the road allowances, at the north west, north east and south east corners, all of the basins to be entirely on private property.

We are also concerned about the grading of the internal roadway, we require a high point at property line and the catch basins moved inside private property to prevent runoff by-passing the catch basins and flowing into the road allowances. Two more basins should be located on the internal roadway inside the site.

- 3) Proposed and existing elevations must be shown at 15m intervals along all property lines and at all bends in lot lines. The sidewalks shown on the grading plan must [be] marked "proposed" and installed through the plan of subdivision for Allison Estates."



[illegible]

# PHASING PLAN

SUPPER NEWINGTON ST.

TAX TO: C. FLOWOFF  
 DEPT.: \_\_\_\_\_  
 TAX No.: \_\_\_\_\_  
 PAGES: \_\_\_\_\_  
 FROM: R. Lee  
 DATE: \_\_\_\_\_  
 DEPT.: PLANNING & DEVELOPMENT  
 TAX No.: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

DEPT.: PLANNING &amp; DEVELOPMENT

AX No.

COMMENTS:

Ph. 2

LIBRARY







4.

## CITY CLERK'S DEPARTMENT

### MEMORANDUM

\*\*\*\*\*

TO: Tina Agnello, Secretary  
Planning and Development Committee

YOUR FILE:

FROM: Kevin C. Christenson, Secretary  
Parks and Recreation Committee


OUR FILE:  
PHONE: 546-2728

SUBJECT: West Mountain Bocce and West  
Mountain Basketball Associations

DATE: 1994 April 5

Sub-joined for your information and attention is a copy of Sub-section (c) of Section 12 of the Fifth Report of the Parks and Recreation Committee which was adopted by City Council at its meeting held 1994 March 29.

- (a) That the West Mountain Baseball Association and the West Mountain Bocce Association be authorized to jointly construct a 973m<sup>2</sup>, 2 storey fieldhouse/public washroom building/indoor bocce (4 courts) building, in Olympic Park subject to the review and approval of the construction documents by the City.
- (b) That the Property and Law Departments be authorized to prepare any joint use agreements, licence agreements, performance contracts or other legal agreements as may be required to facilitate the construction of the building and its joint use by the citizens of Hamilton, the West Mountain Baseball Association and the West Mountain Bocce Association.
- \*(c) That the Planning and Development Committee be requested to consider the proposal of the West Mountain Bocce and the West Mountain Baseball Associations and waive payment of any building permit fees pursuant to Building Permit By-Law No. 93-167 for construction of the fieldhouse/indoor bocce facility at Olympic Park.
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary agreements.

  
/mjw







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CSIP4  
1994

## CORPORATION OF THE CITY OF HAMILTON

## MEMORANDUM

\*\*\*\*\*

TO:	K.C. Christenson, Secretary Parks and Recreation Committee	YOUR FILE:	
FROM:	Tina Agnello, Secretary Planning and Development Committee	OUR FILE:	
		PHONE:	546-2729
SUBJECT:	Waiving of Building Permit Fees - Field House/Indoor Bocce Facility at Olympic Park	DATE:	1994 April 25

The Planning and Development Committee, at its meeting of 1994 April 20, was in receipt of a recommendation from the Building Department and an information report from the Parks and Recreation Committee regarding the above-noted matter.

The Committee took the following action in this regard:

That the matter be referred back to the Parks and Recreation Committee with positive endorsement and that the Parks and Recreation Committee be requested to find the money in its departmental budget, should it determine that this exemption is appropriate. "



TA/jt

cc: L. King, Building Commissioner

URBAN N

GOVERNMENT DOCUMENTS







4.

## CITY CLERK'S DEPARTMENT

### MEMORANDUM

\*\*\*\*\*

TO: Tina Agnello, Secretary  
Planning and Development Committee

YOUR FILE:

FROM: Kevin C. Christenson, Secretary  
Parks and Recreation Committee


OUR FILE:  
PHONE: 546-2728

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- (b) That the Property and Law Departments be authorized to prepare any joint use agreements, licence agreements, performance contracts or other legal agreements as may be required to facilitate the construction of the building and its joint use by the citizens of Hamilton, the West Mountain Baseball Association and the West Mountain Bocce Association.
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- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary agreements.

  
/mjw







Item 4 Planning Committee

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** April 18, 1994

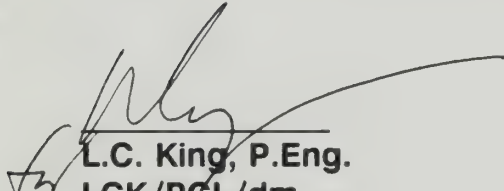
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** Erection of Fieldhouse/Public Washrooms/Indoor  
Bocce Building  
Olympic Park - 948 Mohawk Road West (94.2.4.2.1.A)

**RECOMMENDATION:**

That the City Solicitor be directed to amend Building Permit By-law #93-167 to exempt the West Mountain Baseball and the West Mountain Bocce Associations from payment of \$5,730 in building permit fees for the erection of a fieldhouse/public washrooms/indoor bocce building at Olympic Park.

  
L.C. King, P.Eng.  
LCK/PCL/dm  
Encl.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Building permit fee of \$5,730 would not be collected.

**BACKGROUND:**

On March 29, 1994 City Council adopted the following recommendation from the Fifth Report of the Parks and Recreation Committee:

12.(c) That the Planning and Development Committee be requested to consider the proposal of the West Mountain Bocce and the West Mountain Baseball Associations and waive payment of any building permit fees pursuant to Building Permit By-law No. 93-167 for construction of the fieldhouse/indoor bocce facility at Olympic Park.







**Tina Agnello, Secretary  
Planning and Development Committee**

**- 2 -**

**April 18, 1994**

**The background report submitted to the Parks and Recreation Committee dated March 14, 1994 is attached.**

**The payment of building permit fees is normally required for all construction projects within the City including City owned buildings. City Council has exempted two non-profit groups in the recent past from building permit fee payment. These were the Hamilton Tiger Cat Football Club in L.D. Jackson Square and the Ronald McDonald House on Main Street West.**

**Both the City and the Associations are contributing a significant amount of money to the project. Payment of the permit fee would only serve to jeopardize the completion of this unusual co-operative project and, therefore, the Department can support the request to waive the building permit fees.**

**c.c. Kevin C. Christenson, Secretary  
Parks and Recreation Committee**







## **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The site servicing and funding for same are within the approved capital funding and project scope for the Olympic Park development as approved by City Council on March 31, 1992. The estimated cost for site servicing is \$100,000.00 and based on the 1994 budget allocation of \$600,000.00 in account #CF 629254004 Baseball Facilities Development, the funds remaining in this account following this expenditure are \$500,000.00.

From an ongoing maintenance perspective, there will be an annual cost to the Property Department for the long term care of the new building. The cost estimate for this component is approximately \$9,800.00 for annualized technical costs.

Janitorial services for the building will be provided by the West Mountain Baseball Association and the West Mountain Bocce Association at no cost to the City.

An amount of \$123,000.00 was previously budgeted within the West Mountain Twin Pad Arena and Community Centre Budget for "seed" money to construct a bocce facility on the west mountain. Approval has been given to debenture for the \$123,000.00 by the O.M.B. for the construction of an indoor bocce facility on the west mountain, but this facility and funding is subject to consideration during future Capital Budget processes. The Department of Public Works has made a Capital Budget Submission for the \$123,000.00 in funding to Management Team for their consideration.

The annual utility costs for the building (i.e. hydro, water, sewer, gas) will be paid by the West Mountain Baseball Association and the West Mountain Bocce Association.

The proposal satisfies all requirements of the zoning by-law.

No additional staffing is required as a result of this recommendation.

The Law Department will be required to prepare joint use agreements, licence arrangements, performance contracts or other legal agreements as may be required to facilitate the construction of the building.

## **BACKGROUND:**

At it's meeting held on February 15, 1994, the Parks & Recreation Committee heard a delegation made up of representatives from the West Mountain Baseball and the West Mountain Bocce Associations respecting a fieldhouse/indoor bocce facility at Olympic Park and the following motion was approved:

"That the Director of Public Works be directed to prepare a complete report on the details, including financing, operating implications, etc. of the proposed fieldhouse/indoor bocce facility for Olympic Park."







Staff was further directed to report back on the timing of the World Bocce Championships in relation to the proposed schedule of fundraising and construction of the facility.

During the summer of 1993, City staff met with the West Mountain Baseball Association in order to formalize their proposal to construct a fieldhouse at Olympic Park. These negotiations resulted in City Council on August 31, 1993 approving the following motion:

- a) That the West Mountain Baseball Association be authorized to construct a 1,200 square foot, 2 storey field house/public washroom building, at their cost, in Olympic Park.
- b) That the Property and Law Departments be authorized to prepare any joint use agreements, lease agreements, performance contracts or other legal agreements as may be required to facilitate the construction of the building and its joint use by the citizens of Hamilton and the West Mountain Baseball Association.
- c) That the City of Hamilton provide the necessary site services for the building.
- d) That the West Mountain Baseball Association be exempt from payment of any building permit fees pursuant to Building Permit By-law No. 93-167.
- e) That staff be authorized to consult with the Ministry of Municipal Affairs regarding the eligibility of this project for funding under the Jobs Ontario Program.

Independent of the various actions noted above, the West Mountain Bocce Association contacted the West Mountain Baseball Association with respect to expanding the proposed building by incorporating four indoor bocce courts. Their revised proposal involved the construction of a 973m<sup>2</sup>, 2 storey fieldhouse/public washroom/indoor bocce (4 courts/building).

On November 23, 1993, a public meeting was jointly hosted by both Ward 8 Aldermen, the West Mountain Baseball Association, the West Mountain Bocce Association and City staff from the Parks Division and Culture & Recreation Department. This meeting was held to receive public input from area residents and was advertised by way of 1600 hand delivered notices.

At the public meeting, staff outlined the various components of the proposed building and the operation of the facility. The West Mountain Baseball Association and West Mountain Bocce Association representatives explained their proposal to build the facility with minimal cost to the City. The majority of the attendees at the public meeting (over 50) supported the proposal to construct a fieldhouse/indoor bocce facility at Olympic Park. Schedule "A" attached is a floor plan and various views of the proposed building. Schedule "B" attached is a site plan illustrating the location of the building within Olympic Park.







The major components of the expanded building proposal are as follows:

- The West Mountain Baseball Association and the West Mountain Bocce Association will provide all materials, labour and equipment to construct and furnish the fieldhouse/indoor bocce facility in Olympic Park above the \$100,000.00 contribution from the City for services.
- The City of Hamilton will provide all site services such as water, sewer, hydro, gas.
- The City of Hamilton will waive any required development/building permit fees. Building permit application forms will be filed jointly by the two Associations.
- The long term maintenance of the building structure will be undertaken by the City of Hamilton and the daily maintenance of the facility including utility costs will be undertaken/paid by the West Mountain Baseball Association and the West Mountain Bocce Association.
- When the building is not used by either the West Mountain Baseball Association and the West Mountain Bocce Association, other groups may use the facility by booking through the Culture and Recreation Department.
- The public washrooms will be fully accessible and the structure will meet all required building codes.
- The Architect retained by the West Mountain Baseball Association and the West Mountain Bocce Association has estimated the building cost at \$630,000.00 with \$170,000.00 attributed to the fieldhouse component and the remaining \$460,000.00 attributed to the indoor bocce costs.
- The Associations are proposing to construct the fieldhouse/indoor bocce facility in early summer, 1994 to permit use of the building during the 1994 baseball season.

#### Needs Assessment

The Culture & Recreation Department staff have assessed the growth of bocce within the city recently and provide the following summary:

The need for recreational bocce programs and facilities in the City of Hamilton has been assessed not by a report but in terms of participation and interest. The assessment is based on the increase in the number of Bocce Associations and requests for the provision of bocce facilities in the community. In the last 2 years, Bocce Associations have grown from 0 to 10, facility development at 11 sites, with 25 courts in total and Montgomery, Broughton, Macassa, Trenholme, Central and Victoria interested in constituting an Association and fundraising their commitment for facility development. The need for an indoor facility to







serve the entire city has been expressed since the inception of our first Association. It is not viewed as, nor does it need to be a seasonal sport. To date, there are no municipal indoor courts within the city and there are only 3 private facilities where participation is restricted to their members only. Bocce is not age specific and can be enjoyed by all. Throughout the community, many of our Associations have been providing programs to school children by introducing a positive experience of playing bocce. This commitment could be extended through an indoor facility. To further indicate the success, support and interest in bocce throughout our community, Hamilton has been successful in being chosen the Host City for the 1995 World Bocce Championships. This event is tentatively scheduled for August/September 1995.

During the past three weeks, City staff have met with representatives of the two associations making the proposal to construct a fieldhouse/indoor bocce facility at Olympic Park and the following items are proposed to be covered in a joint use and licence agreements to be prepared by the Law Department.

1. During construction, the Associations shall provide liability and third party insurance in the total amount of \$3,000,000.00 and the City is to be named in this policy as additional insured.
2. The Associations shall provide replacement property insurance during the construction period.
3. The Associations shall provide a two year labour and material warranty on the building commencing on the date of substantial completion.
4. The Associations shall provide a performance bond valued at 50% of the estimated construction cost.
5. All construction activities on site must comply with the Occupational Health and Safety Act, R.S.O. 1980, Chapter 321 and amendments
6. The City's "seed" funding of \$123,000.000 will be advanced in one draw 45 days following the date of substantial completion.
7. The City will not commence installation of the services until the Associations have signed the necessary agreements; a building permit and a performance bond of 50% of the building construction total value.
8. The Associations must commence construction of the building by a specified date.
9. The building must be completed by a specified date.







WJP/ps  
attachments

c.c. J.G. Pavelka, Chief Administrative Officer

A.C. Ross, Treasurer

G. Smith, Manager of Technical Services, Culture & Recreation

L. King, Building Commissioner, Building Department

R. Martiniuk, Manager, Architectural Division, Property Department

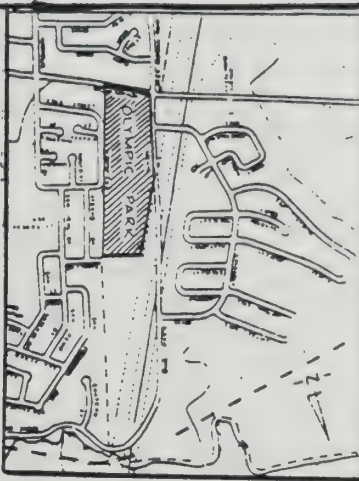
R. Swan, Manager, Building Operations & Maintenance, Property Department

T. Agnello, Secretary, Planning and Development Committee.







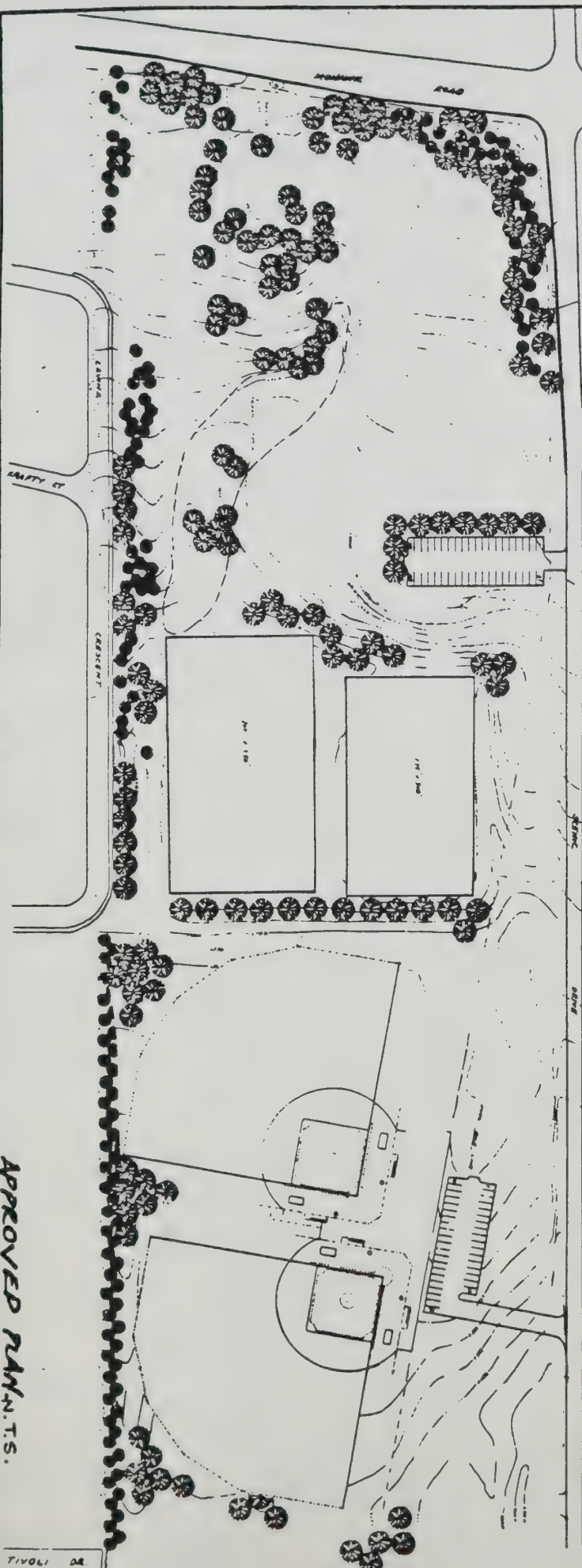


KEY PLAN

LAVENDER DR.



# CONCEPT PLAN of OLYMPIC PARK



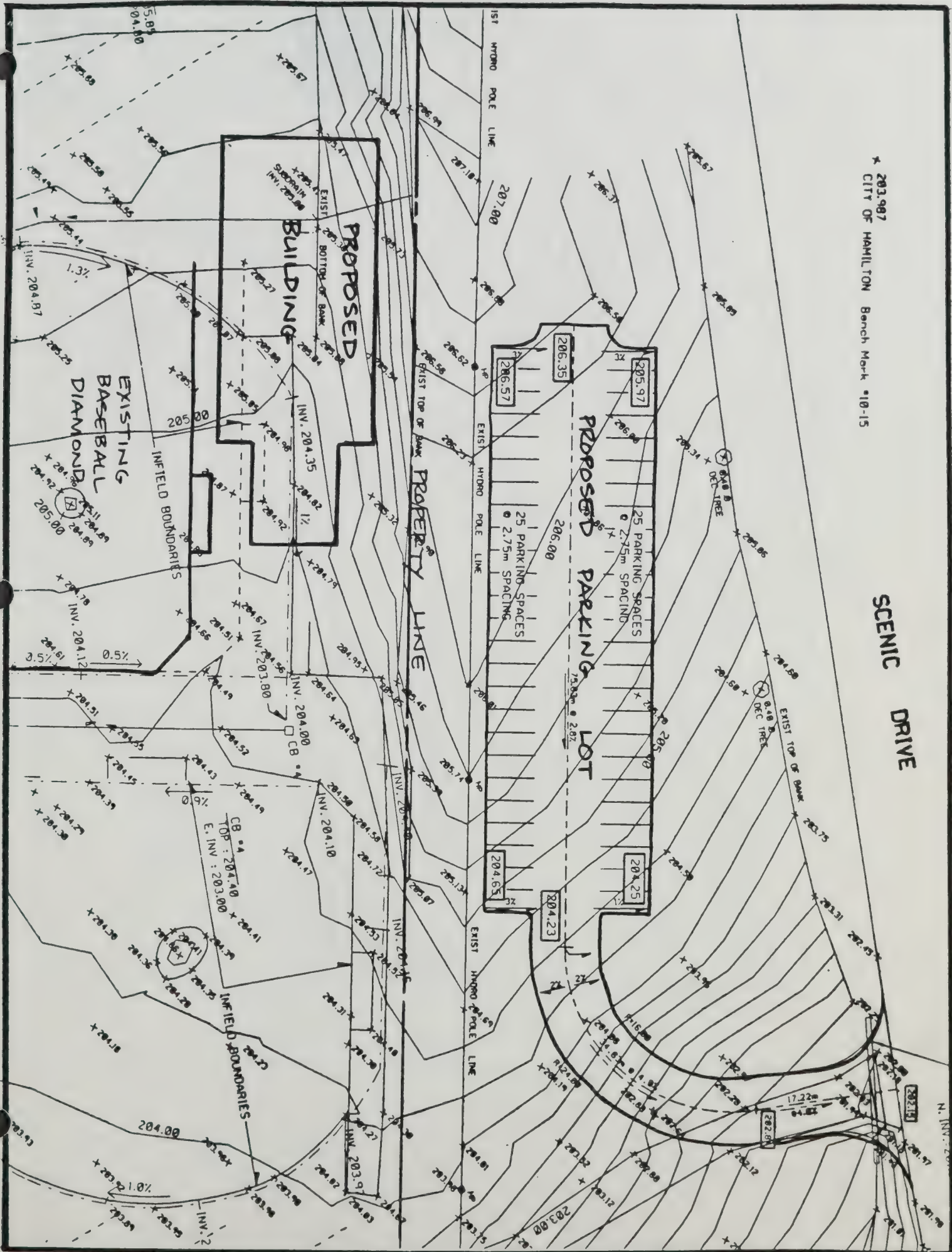
APPROVED PLAN N.T.S.







# SCENIC DRIVE









**ZEBROSKI**  
 ASSOCIATES LTD  
 ARCHITECTS  
 100-1100  
 100-1100

NO.	DATE	BY	CHECKED



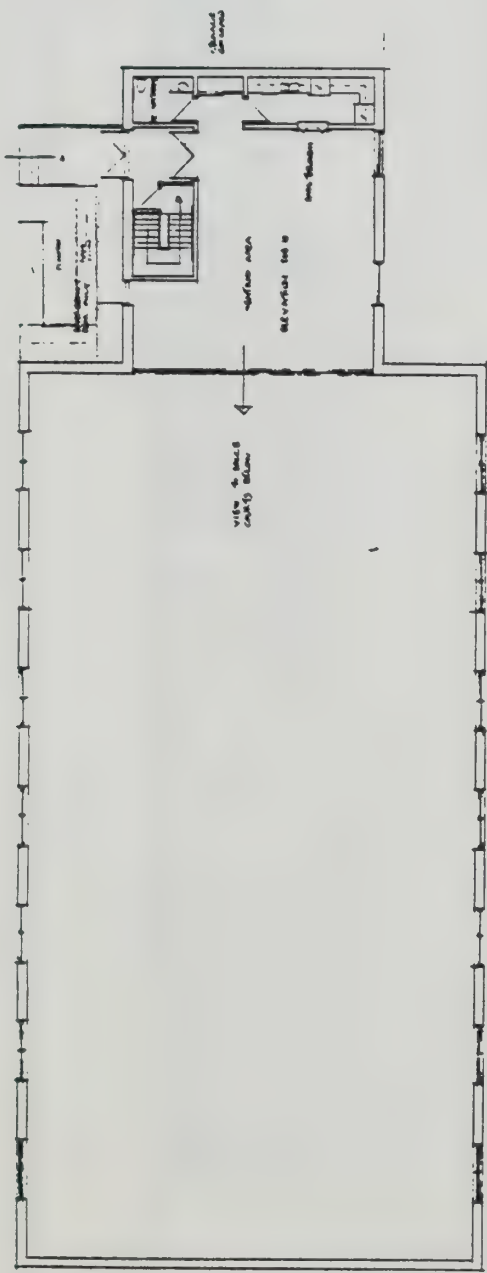
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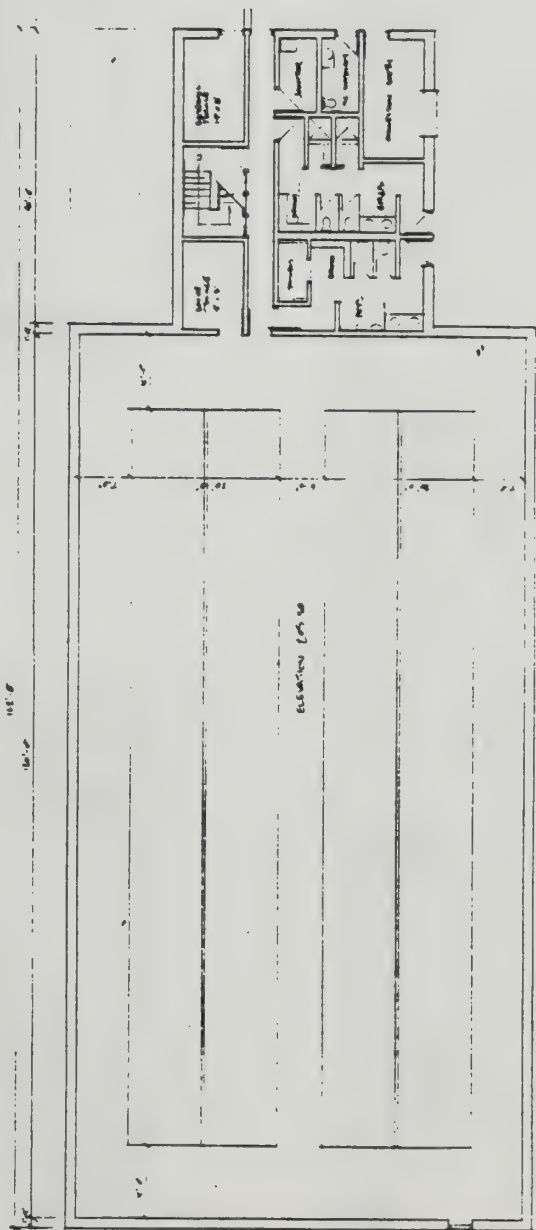
ASSOCIATES  
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UPPER LEVEL PLAN  
SCALE 1/8" = 1'-0"



LOWER LEVEL PLAN  
SCALE 1/8" = 1'-0"

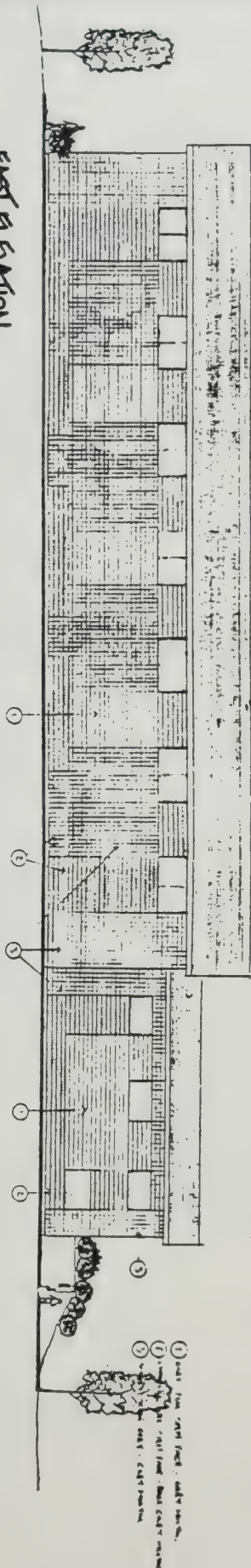








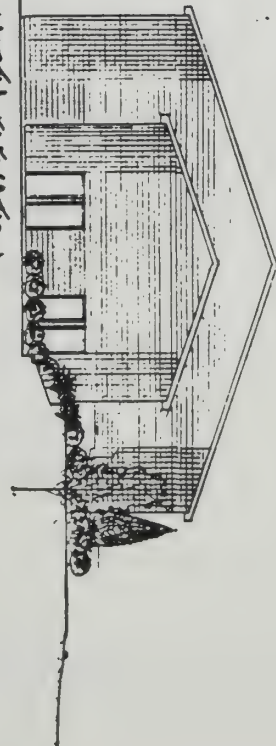
EAST ELEVATION



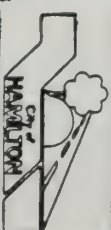
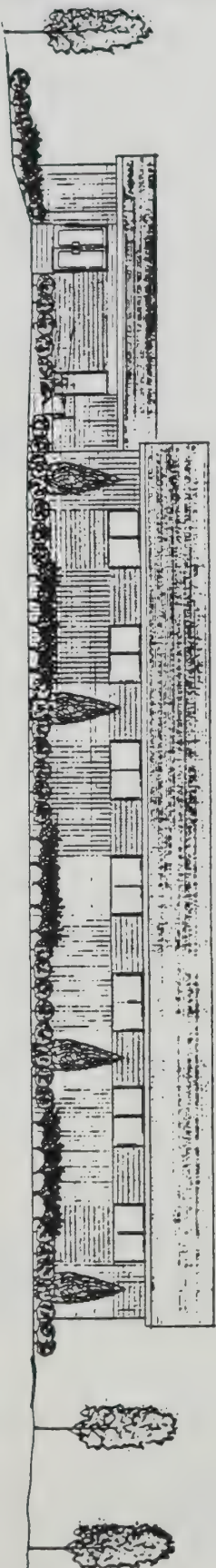
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



OLYMPIC  
PARK

PROPOSED  
BUILDING  
SECTIONS







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

5.

**DATE:** 1994 April 13  
DA-93-40  
Lisgar Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee


**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

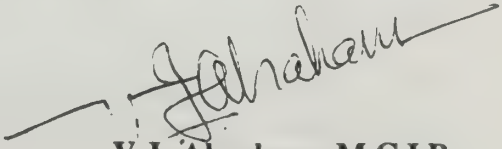
**SUBJECT:** Site Plan Control Application DA-93-40 for a 43 unit  
apartment complex at 1365 Limeridge Road East.

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-93-40 by Urbacore Management Limited, owners of lands known as 1365 Limeridge Road East, for development of a 43 unit apartment building, subject to the following:

- i) modification to plans in relation to notes, dimensions, grades and landscaping as marked in red on the plans;
- ii) finalization of the subdivision agreement;
- iii) provision of appropriate securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993; and,
- (iv) that the revised fence design incorporate brick pillars as marked in red on the plans.

  
**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

  
**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**BACKGROUND:**

Plans have been submitted for a 43 unit co-op apartment building to be constructed at the north-west corner of Limeridge Road West and Kenilworth Avenue. The Details of development are as follows:



The Details of Development are as follows:

• Net Lot Area	3994 m <sup>2</sup>
• No. of Units	43
• Gross Floor Area	4268.77 m <sup>2</sup>
• Building Height	16.0 m +/- 6 storeys
• No. of Parking (proposed)	57 spaces
• Loading Spaces	1 @ 18.0 m long
• Landscape Area (proposed:38.4%)	1390.66 m <sup>2</sup>
• Building materials:	Brick facia

A large play area is provided on the south side of the building adjacent to Limeridge Road . A visual barrier, ie. 'board-on-board' wood fence, is provided to enclose the play area. Landscape plantings are provided along Upper Kenilworth Avenue and Limeridge Road and coniferous trees along the westerly boundary.

#### ***COMMENTS RECEIVED:***

- The Roads Department has indicated in the attached letter of February 2,1994 that a number of technical issues which should be provided for on the plan. A revised plan was submitted on February 24,1994 to incorporate those concerns and is satisfactory. A few minor grade changes are required to the plans. The Subdivision agreement must still be finalized before development proceeds.
- The Building Department has advised in their attached comments that clarification is required in the Details of Development for the project and a visual barrier is required along the northerly and westerly property lines.
- The Traffic Department has advised in the attached comments that the loading space should be relocated and that access to Upper Kenilworth Avenue may be restricted at some point in the future.

#### ***COMMENTS:***

The proposed development is designed with an east-west building orientation having the parking along the north and west sides of the building. The main entrance for the building is located at the north-west corner of the building adjacent to the parking areas. The enclosed play area is located on the south side of the building adjacent to Limeridge Road East.

The Department has met with the applicant to discuss this orientation. In examining the 'urban design' issues of the project, the development should consider the intersection location and the street presence of the development. Although the submitted plans appear to 'turn its back' on the street, the applicant has described the project goals and features in the orientation of the main entrance to the parking and driveways areas and separating the play area from those conflicts. The applicant further described the landscape plantings adjacent to the streets and the changing architecture of the building to be visually attractive from the street view. The Department has discussed an alternate approach in the design orientation, but the applicant has indicated concern for addressing other project goals and parameters with an alternate design philosophy and possible delays at this late stage.



The submitted plans require various modifications to notes, dimensions and grades and have been marked in red on the plans. The revised plan has addressed the concerns from the various departments dealing with visual barriers, loading space location, statistics, etc. Also, the Plan of Subdivision and the Agreement is being processed.

The Landscape Plan should be modified to include some deciduous trees and shrubs along the west and east boundary lines to enhance the large parking area on the site and provide a buffer to adjacent properties. Some of the coniferous plantings along the west border should be substituted with deciduous plantings in consideration of the low spreading branches of the trees as maturing. Plantings have been marked in red on the plans. It was also suggested that the fence surrounding the play area and adjacent to the street be redesigned slightly to provide a more attractive street presence to compliment the area. The applicant resubmitted and discussed a revised design which would improve the streetscape appearance of this area. The use of four brick pillars at the corners and at intervals along Limeridge Road was discussed with the applicant who indicated that these additional changes could not be accommodated.

#### ***CONCLUSION:***

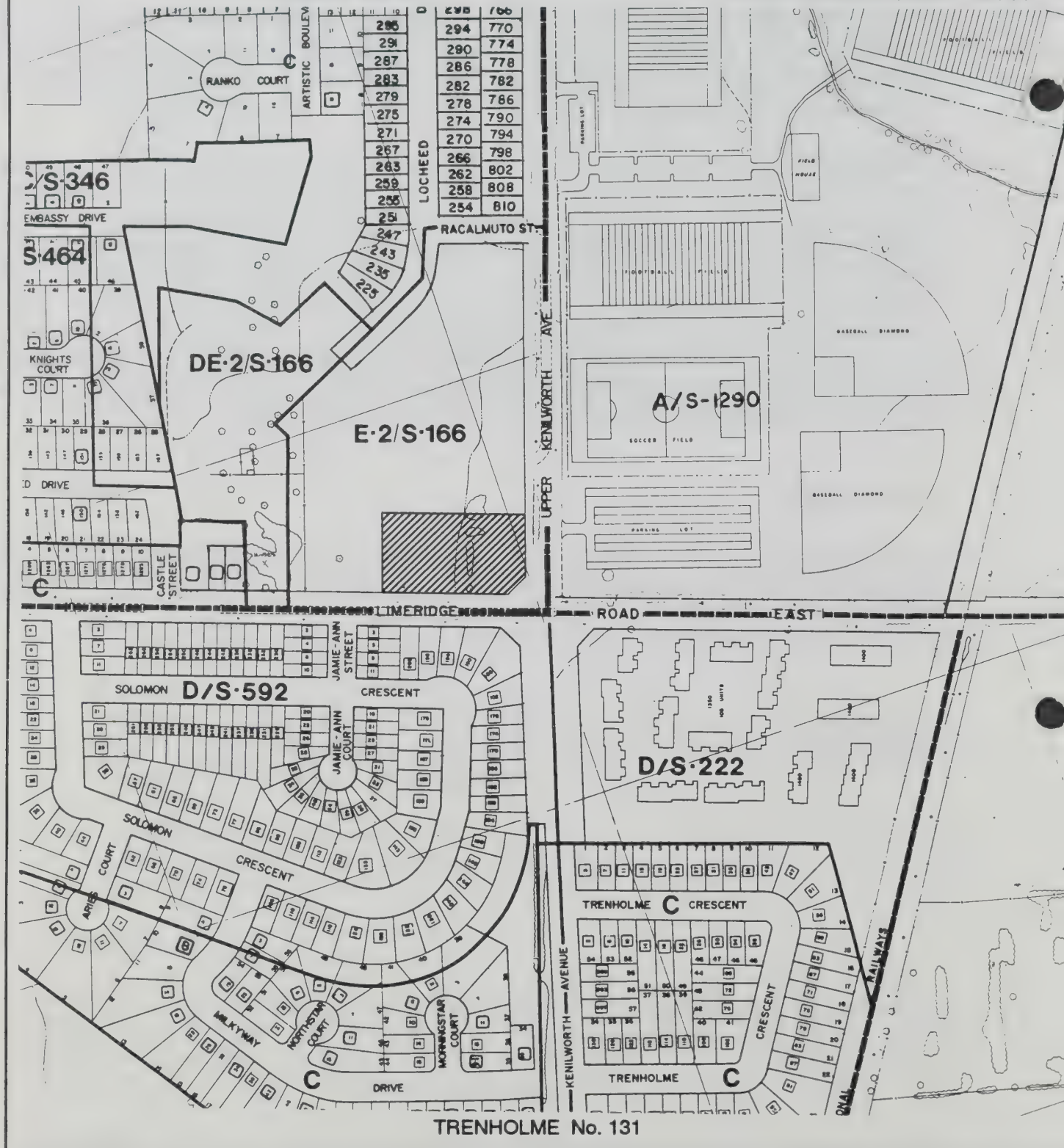
The submitted plans can be supported subject to minor modifications as noted to include four brick pillars, finalization of the subdivision agreement and provision of the appropriate securities and Site Plan Agreement.

JPS  
DA9340.r



LISGAR No. 97

UPPER KING'S FOREST No. 91



City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-93-40**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale  
NOT TO SCALE

Date  
DECEMBER 1993

Reference File N  
DA-93-40

Drawn By  
Z.K.



PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		Received		
		FEB 03 1994		
TO	TRANS.	INIT.	INFO.	ACT.
*****				
	FILE	DA-93-40		
	CART.			
	ADMIN			

## YOUR FILE

OUR FILE: E220-1203  
PHONE: (416) 546-2434

DATE: Feb 2 1994

- (1) The grading plan must be stamped by either a Professional Engineer or Landscape Architect.
- (2) The sloping shown on the grading plan outside of the subject lands requires the approval of the abutting owners or it must be contained within the property boundaries.
- (3) The grade of the driveway off Upper Kenilworth calculates out to 10% for the first 5m, our standard is a maximum of 5%, please adjust.
- (4) The applicant must clearly show topographical features within the road allowances, define whether the sidewalks are proposed or existing and show the existing centrelines clearly.

In conjunction with this application, we have recently reviewed the overall grading plan for the subdivision known as "Wisemount Estates Ph5". The grading of this site was discussed with Peter Scott of Urbex on Jan 31, 1994, and they are currently revising the overall grading plan for resubmission. Therefore, the development application grading plan must be compatible with the approved overall grading plan and cannot precede it.

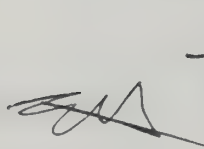
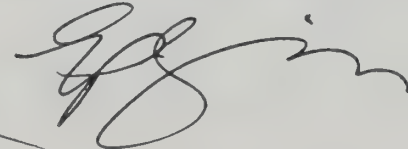


continued...

**TRANSPORTATION COMMENTS**

We have reviewed the above application and submit the following comments:

1. We recommend that as a condition of site plan approval that Wisemount Estates Phase 5 plan of subdivision be approved by the City/Region and that the subdivision plan and the agreement be registered. This agreement will include the recovery of all servicing costs by the City/Region, the construction of sidewalks and the dedication of the required road widenings, shown as Blocks 2, 3 and 4 of the subdivision plan, to the City.
2. We require 5m by 5m daylight triangles between the accesses and the road allowance limits of Limeridge Road and Upper Kenilworth Ave., as widened, in which the maximum height of any object, mature landscaping etc. is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevations of the adjacent streets. The landscape plans should be revised accordingly and the fencing removed from within this area.
3. No portion of the fence, footings etc. is to encroach into the adjacent road allowances and any other works in the road allowances, as widened, must conform to the City of Hamilton Streets By-Law.
4. The trees and fences should be set back far enough from the road allowances to ensure that our future road works will not interfere with or require the removal/relocation of these items.  
The applicant should be advised that the future reconstruction and widening of the intersection of Limeridge Road and Upper Kenilworth Ave. may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date.
6. The site plan indicates that the outside perimeter of the property will be fenced with a chainlink fence only and we have reviewed the plans on that basis.
7. Comments from the City of Hamilton Traffic Department with respect to access, maneuvering etc. should be considered.

EH  



**ROADS DEPARTMENT**  
**MEMORANDUM**

*Forward copy to  
J. Jackson - J.S.*

\*\*\*\*\*

TO: J. Sakala  
Senior Landscape Architect  
Planning and Development Department

YOUR FILE: DA-93-40

FROM: E. P. Chajka, P. Eng.  
Manager of Development  
Roads Department

OUR FILE: E220-1203  
PHONE: (416) 546-2809

SUBJECT: Site Plan Control Application  
DA-93-40 at 1365 Limeridge Road East

DATE: 1994 March 21

**GRADING COMMENTS**

The grading plan submitted with your letter dated February 25, 1994, will be approved when the following item, as outlined in our February 2, 1994 letter, has been addressed.

1. Correct the proposed elevation at the north-east corner of the parking area, it should read 193.87 not 194.87.
2. Indicate on the grading plan whether the sidewalk on Upper Kenilworth Avenue is existing or proposed.

**TRANSPORTATION COMMENTS**

The plans submitted with your letter dated February 25, 1994, must be revised.  
The following items outlined in our February 2, 1994 letter, have not been addressed.

1. We recommend that as a condition of site plan approval that Wisemount Estates Phase 5 plan of subdivision be approved by the City/Region and that the subdivision plan and the agreement be registered. This agreement will include the recovery of all servicing costs by the City/Region, the construction of sidewalks and the dedication of the required road widenings, shown as Blocks 2, 3 and 4 of the subdivision plan, to the City.

Note: Phil Strong advised us that these agreements have been signed by the owner and have been forwarded to the City/Region officials for execution.

cont'd...



-page 2-

**Site Plan Control Application DA- 93-40**  
**1365 Limeridge Road East**

cont'd...

2. The applicant should be advised that the future reconstruction and widening of the intersection of Limeridge Road and Upper Kenilworth Avenue may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date.
3. The site plan indicates that the outside perimeter of the property will be fenced with a chainlink fence only and we have reviewed the plans on that basis.
4. Comments from the City of Hamilton Traffic Department with respect to access, maneuvering etc. should be considered.



Eugene P. Chajka, P. Eng.  
Manager of Development

CAU





TRAFFIC DEPARTMENT

City of  
HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4  
Tel. (905) 546-4510 / Fax (905) 546-2419

1993 December 10

DEC 13 1993

Mr. V. J. Abraham, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-93-40  
1365 Limeridge Road East

JPS

In response to your letter of 1993 December 07, please be advised that we have reviewed this application and have the following comments.

The application states that this is a 41-unit building but the site plans show a 43-unit building. Our comments will be based on a 43-unit building.

We have a concern with the proximity of the loading space, garbage bin area, and moving room in relation to the driveway from Limeridge Road. A moving truck parked beside the moving room doors would block the access from Limeridge Road which would be unacceptable. We recommend the red line revisions shown on the enclosed plan to improve maneuvering room and to alleviate this problem while still maintaining the number of required parking spaces.

As we advised the applicant at the subdivision stage, the proposed access to Upper Kenilworth Avenue may be restricted to right turn in and out only at some point in the future.

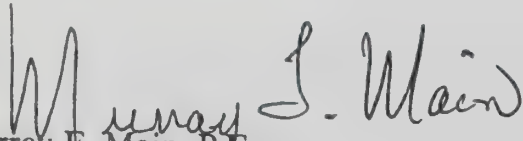
The applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.





Should you have any questions regarding these comments, please contact Ms. Wendy Crevier of our office at 546-2065.

Yours truly,

A handwritten signature in cursive script, reading "Murray F. Main". The signature is written in dark ink and is positioned above the printed name and title.

Murray F. Main, P.Eng.  
Director of Traffic Services

RK/WC/kg  
Attach.





City of  
HAMILTON

## BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario L8N 3T4  
Telephone (905) 546-2720 / Fax (905) 546-2764

FILE: DA-93-40  
ATTENTION OF: W. Sargeant  
TELEPHONE NO: (905) 546-3936

December 20, 1993

PRESENT ZONING: E-2/S-166

Mr. V. J. Abraham, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Dear Sir:

RE: DA-93-40  
1365 LIMERIDGE ROAD EAST (Block 1)

The above, under cover of your letter dated December 7, 1993, has been examined.

### COMMENTS:

1. The area of Block 1 is .3994 ha. The area of Blocks 1 and 2 is .4068 HA, which the Architect is showing as the site area.
2. The gross floor area is not indicated, but may exceed the 4752.86 square metres permitted if Block 1 only is the site.
3. The landscaped area is not indicated and must be at least 25% of the lot areas.
4. Fifty-four (54) parking spaces are required.
5. The loading space (not dimensioned) must be at least 18.0m x 3.7m x 4.3m.
6. The front yard is not designated. However, in either case it appears that the parking encroaches into the required front yard.

Continued on Page Two .....





7. A visual barrier is required along the northerly and westerly property lines.

Yours truly

A handwritten signature, possibly "B. J.", is written above a horizontal line.

for the Building Commissioner

WS/zr



148 Cherley Street

FEB 0 1 1994

Hamilton, Ontario, L9C 3G3

Jan. 26/94

Aldermen Henry Werling  
City Hall, Hamilton

Dear Aldermen Werling:

Re: Lot Grading Control with Respect to Land Severance  
Applications Creating One, Two + Three Lots

Almost a year ago, on Feb. 3/93, a staff recommendation to the Planning + Development Committee on the above issue was referred to an ad hoc committee, with you as chair. I understand, although the report seemed to be a satisfactory compromise + also seemed to generate support at the full committee level, that you wished to give it further study.

When I had appeared at the P. + D. Committee twice earlier on this issue, you were particularly supportive + helpful in obtaining further staff study + a set of recommendations. I am now anxious to hear of the results of the ad hoc committee review, + wish to appear at the P. + D. Committee when it is presented. Are you at all able to give me an indication of how soon that might be?

Hoping to hear from you soon,

Bob Harkness (382-7661)

c.c. Aldermen Don Drury, Ch. of P. + D. Committee

Aldermen Don Ross, Ward 8

Tina Agnello, Secretary, P. + D. Committee







URBAN/MUNICIPAL  
CA4 ON HBL AOS  
CSIP4  
1994

City of  
HAMILTON

URBAN M

NOTICE OF MEETING

**PLANNING AND DEVELOPMENT COMMITTEE**

GOVERNMENT DOCUMENTS

Wednesday, 1994 May 4  
9:30 o'clock a.m.  
Room 233, City Hall



Tina Agnello, Secretary  
Planning and Development Committee

**A G E N D A:**

**9:30 O'CLOCK A.M.**

Judith MacAnanama  
Chief Librarian

**PUBLIC MEETING**

1. Zoning Application 94-06, G. Amodeo, prospective owner, for a change in zoning from "AA" District to "C" District, for lands located at No. 379 Rymal Road East; Barnstown Neighbourhood.
2. Zoning Application 93-40, Luval Enterprises Ltd., owner, for changes in zoning from "DE-3"-'H' to "RT-20" for Block "1", "DE-3"-'H' to "R-4" for Block "2", "RT-30"-'H' to "R-4" for Block "3" and "RT-30"-'H' to "C" for Block "4", for lands located south of Mud Street and west of Upper Mount Albion Road; Albion Falls Neighbourhood.







Planning and Development  
Wednesday, 1994 May 4  
Agenda...cont'd

3. **DIRECTOR OF TRAFFIC SERVICES**

Front Yard parking regulations.

4. **BUILDING COMMISSIONER**

Joint Programme: Ministry of Community and Social Services and City of Hamilton.

5. **CONSENT AGENDA**

6. **DELEGATIONS**

- (a) Mayor R.M. Morrow -  
Downtown Promenade BIA re: Gore Park area
- (b) Bob Harkness -  
Lot Grading Control with respect to Land Severance  
Application Creating One, Two and Three Lots

**11:00 O'CLOCK A.M.**

- (c) (i) Hamilton Harbour Commissioners: matters for discussion
- (ii) Information Report from the Commissioner of  
Planning and Development regarding Official  
Plan 80 - Judicial Review Application.

7. **CITY SOLICITOR**

Securities with Respect to Site Plan Control

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

TA/sma







## PLANNING AND DEVELOPMENT COMMITTEE

### OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
4.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
5.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
6.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
7.	Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods	1993 July 21	Planning & Traffic	Tabled to allow review by Staff
8.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending







<b>Item No.</b>	<b>Item</b>	<b>Original Date</b>	<b>Action</b>	<b>Status</b>
9.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
10.	Review of Parking Lot Regulations - Minimum lighting requirement for safety	1993 November 3	Planning	Report Pending
11.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
12.	Demolition permits for one & two family dwellings	1994 March 23	Law Department	Referred to staff for legal review
13.	Official Plan Amendment and rezoning 93-43 for land in front of 1094 Upper Sherman Ave.	1994 April 6	Planning Department	Tabled to allow staff, applicant and Ward Aldermen to meet (must be re-circulated)
14.	Zoning Application 93-43 for lands in rear of 1094 Upper Sherman Ave.	1994 April 16	Planning Department	Tabled to allow staff, applicant and Ward Aldermen to meet (must be re-circulated)
15.	Mayor's Task Force on Downtown Issues.	1994 April 16	Various Departments	Reports forthcoming to Committee.
16.	ZA-94-03 180 Walnut Street South	1994 April 20	Applicant	Amended application to be brought back to Committee.
17.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.

Tina Agnello, Secretary  
1994 April 13







CITY OF HAMILTON

- RECOMMENDATION -

APR 27 1994

**DATE:** April 26, 1994  
ZAC-94-06  
Barnstown Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning for lands located at the rear  
of No. 379 Rymal Road East.

**RECOMMENDATION:**

That approval be given to Zoning Application 94-06, Guy Amodeo, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for property located at the rear of 379 Rymal Road East, shown on the attached map marked as APPENDIX "A", on the following basis:

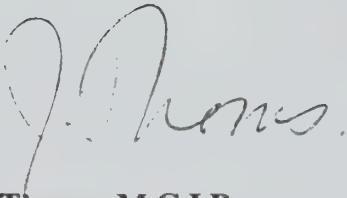
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-18D for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

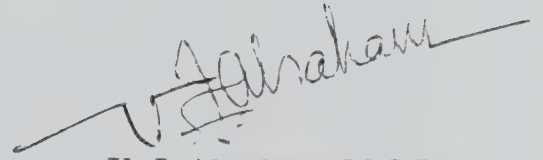
The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the lands located at the rear of 379 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for two single-family dwellings, fronting onto Bordeaux Court.





**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant has applied for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of No. 379 Rymal Road East, shown on the attached map marked as APPENDIX "A".

- Land Division Committee Applications H-10 & 11-94

The applicant has filed the above-mentioned land severance applications to convey two (2) parcels of land having frontage on Bordeaux Court as follows (see Appendix "B"):

**H-10-94** - To convey a vacant parcel of land having a frontage of 8.505m and lot area of 739m<sup>2</sup> for residential purposes; and,

**H-11-94** - To convey a vacant parcel of land having a frontage of 8.100m and lot area of 1091m<sup>2</sup> for residential purposes, and to retain the balance of the holding fronting on Rymal Road East measuring 49.57m X 48.229m for residential purposes.

The proposed lots meet the minimum "C" District requirements for lot width and area. The severance application has been scheduled for a meeting of the Land Division Committee on Tuesday, April 26, 1994.

***APPLICANT:***

Guy Amodeo, prospective owner.



**LOT SIZE AND AREA:**

- 16.60 m (54.46 ft.) of frontage on Bordeaux Court;
- 38.1 m (125.00 ft.) of lot depth; and,
- 631.0 m<sup>2</sup> (6795.82 sq. ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Single-Family Dwelling	"AA (Agricultural) District
to the east	Single-Family Dwelling and Townhouses	"AA" (Agricultural) District and "RT-20" (Townhouse - Maisonette) District
to the south	Single-Family Dwelling	"AA" (Agricultural) District

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."



In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1      In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i)      Provision and maintenance of adequate off-street parking;
- C.7.3      Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii)      Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern, and;
- v)      Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern."

The proposal complies with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Barnstown Neighbourhood Plan. The proposal complies with the intent of the Plan.

***RESULTS OF CIRCULARIZATION:***

- The following Agencies have no comment or objection:

- Building Department;
- Traffic Department;
- Union Gas; and,
- Hamilton Region Conservation Authority.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line



18.29 m from the centreline of construction on Rymal Road as shown on MTO Plan P-1944-38. According to our records, this road widening is approximately 3.048 m in width across the entire frontage of the property.

We have no objection to the rezoning of the two properties to be severed with frontage on Bordeaux Court. We note that there are a number of properties with frontage on Rymal Road, adjacent to these lands, which have not been redeveloped. According to the approved neighbourhood plan, these lands and adjacent lands are designated for single and double housing. In our review of this neighbourhood plan, it was our understanding that the residential designation on Rymal Road would allow for infilling situations and to retain the existing residential uses. Rezoning these lands to "C" and the possible future rezoning of adjacent lands, could result in the possibility of 10 to 11 single family houses being built with direct frontage to Rymal Road.

It is our opinion that the number of single family homes on Rymal Road should be minimized in keeping with the function of the Regional Arterial Roadway and that the lands fronting on Rymal Road be developed in conjunction with lands to the east and west to provide comprehensive development and shared access onto Rymal Road.

We recommend that the rezoning of retained lands fronting on Rymal Road be held in abeyance in order that staff can discuss these matters with the applicant/owner.

We recommend that as a condition of development approval for lands fronting on Bordeaux Court, that lands shown as Parts 3 and 4 on the plan attached to the land severance applications be dedicated to the City of Hamilton for road widening purposes. Part 3 will be incorporated into the road allowance and Part 4 will be held by the City as a 0.30 m reserve.

We recommend that as a condition of development approval that part of the 0.30 m reserve shown as Block 16 on Plan 62M-664 be lifted and all outstanding servicing costs be paid to the City/Region.

#### **COMMENTS:**

1. The proposal complies with the intent of the Official Plan and the approved Barnstown Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - i) it implements the intent of the approved Barnstown Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
  - ii) it represents infill within an established residential area;
  - iii) the proposed "C" (Urban Protected Residential, etc.) District is consistent with the established single-family residential character of the area;



- iv) the proposal is compatible with the existing pattern of development on Bordeaux Court; and,
  - v) the proposed lots meet the minimum requirements of the "C" District (i.e. lot width and area).
3. With respect to Roads Department comments regarding the lands fronting onto Rymal Road and land dedication to the Region, it should be noted that the lands fronting Rymal Road are to be retained by the original owner, thus are not being rezoned at this time.

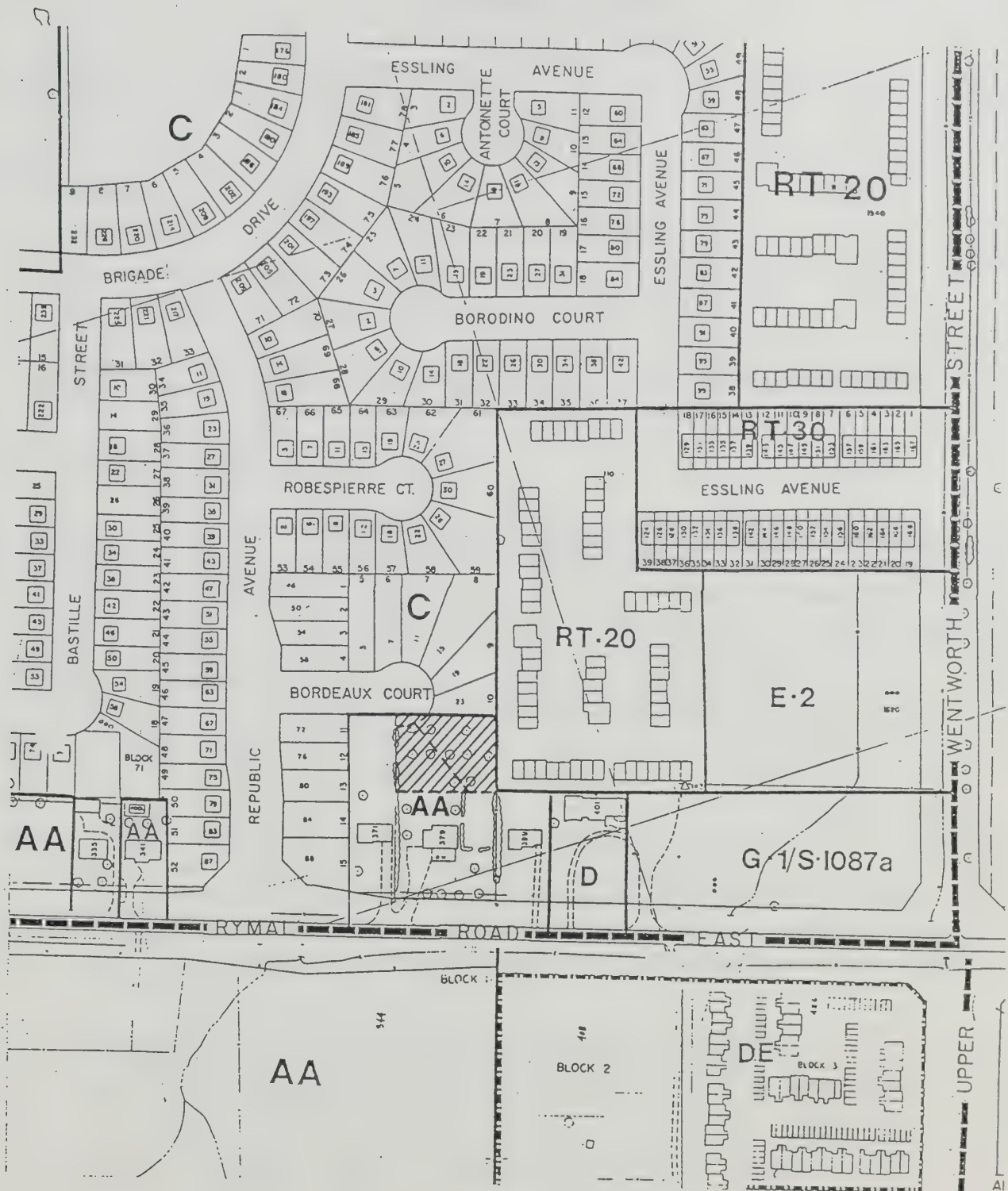
Furthermore, the dedication of lands to the City of Hamilton, fronting on Bordeaux Court, shown as Parts 3 and 4, and the removal of the 0.30 m reserve shown as Block 16 on Plan 62M-664 (see Appendix "B") are matters typically dealt with as part of the Land Severance Application.

***CONCLUSION:***

Based on the foregoing, the proposal can be supported.

JL/jl  
WPZAC9406

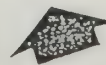




Legend



Site of the Application



ZAC-94-06







CITY OF HAMILTON

- RECOMMENDATION -

2.

**DATE:** April 26, 1994  
ZAC-93-40  
Albion Falls Neighbourhood

APR 27 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in Zoning - lands located south of Mud Street and west of Upper Mount Albion Road.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 93-40, Luval Enterprises Limited, owners, requesting changes in zoning from "DE-3"- 'H' (Multiple Dwellings - Holding) District to "RT-20"- 'H' (Townhouse-Maisonette - Holding) District - Modified for Block "1"; from "DE-3"- 'H' (Multiple Dwellings - Holding) District to "R-4"- 'H' (Small Lot Single-Family Detached - Holding) District for Block "2"; from "RT-30"- 'H' (Street Townhouse - Holding) District to "R-4"- 'H' (Small Lot Single-Family Detached - Holding) District for Block "3"; and from "RT-30"- 'H' (Street Townhouse - Holding) District to "C"- 'H' (Urban Protected Residential, etc. - Holding) District for Block "4", for lands located south of Mud Street and west of Upper Mount Albion Road, shown as Blocks "1", "2", "3", and "4" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit development of the subject lands until the applicant/owner has entered into a Modified Subdivision Agreement with City/Region, and Access Agreements with the Region, to the satisfaction of the Regional Roads Department.

Removal of the holding restriction shall be conditional upon the applicant/owner entering into a Modified Subdivision Agreement with the City/Region, and an Access Agreement with the Region, to the satisfaction of the Regional Roads Department. City Council may remove the 'H' symbol, and thereby give effect to the "C", "RT-20", and "R-4" District provisions as stipulated in this By-law by the enactment of an amending By-law.

- ii) That Block "1" be rezoned from "DE-3"- 'H' (Multiple Dwellings - Holding) District to "RT-20"- 'H' (Townhouse-Maisonette - Holding) District;
- iii) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10 of By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
- a) That notwithstanding Section 10(2)(a) of By-law No. 6593, Street Townhouse Dwellings shall not be permitted;



- iv) That Block "2" be rezoned from "DE-3"- 'H' (Multiple Dwellings - Holding) District to "R-4"- 'H' (Small Lot Single-Family Detached - Holding) District;
- v) That Block "3" be rezoned from "RT-30"- 'H' (Street Townhouse - Holding) District to "R-4"- 'H' (Small Lot Single-Family Detached - Holding) District;
- vi) That Block "4" be rezoned from "RT-30"- 'H' (Street Townhouse - Holding) District to "C"- 'H' (Urban Protected Residential, etc. - Holding) District;
- vii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that Block "1" on Zoning District Map E-79B be notated S- ;
- viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council;
- ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- x) That the Albion Falls Neighbourhood Plan be amended by redesignating Block "1" from "MEDIUM DENSITY APARTMENTS" to "ATTACHED HOUSING", Block "2" from "MEDIUM DENSITY APARTMENTS" to "SINGLE AND DOUBLE RESIDENTIAL", and Blocks "3" and "4" from "ATTACHED HOUSING" to "SINGLE AND DOUBLE RESIDENTIAL".

#### ***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for changes in zoning from "DE-3"- 'H' (Multiple Dwellings - Holding) District to "RT-20"- 'H' (Townhouse-Maisonette - Holding) District - Modified for Block "1"; from "DE-3"- 'H' (Multiple Dwellings - Holding) District to "R-4"- 'H' (Small Lot Single-Family Detached - Holding) District for Block "2"; from "RT-30"- 'H' (Street Townhouse - Holding) District to "R-4"- 'H' (Small Lot Single-Family Detached - Holding) District for Block "3"; and from "RT-30"- 'H' (Street Townhouse - Holding) District to "C"- 'H' (Urban Protected Residential, etc. - Holding) District for Block "4", for lands located south of Mud Street and west of Upper Mount Albion Road, shown as Blocks "1", "2", "3", and "4" on the attached map marked as APPENDIX "A".

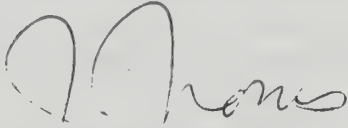
The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit development of the subject lands until the applicant/owner has entered into a Modified Subdivision Agreement with City/Region, and Access Agreements with the Region, to the satisfaction of the Regional Roads Department.

Removal of the holding restriction shall be conditional upon the applicant/owner fulfilling the above-mentioned conditions.

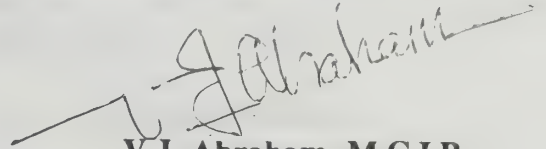


The effect of the By-law is to allow development of the subject lands, in conjunction with adjacent lands to the south in the City of Stoney Creek, for a total of 145 residential units. The lands within the City of Hamilton will be developed for Townhouses (Block "1"); Small Lot Single-Family Dwellings (Block "2"); and Single-Family Dwellings (Blocks "3" and "4").

In addition, the by-law prohibits Street Townhouse Dwellings on Block "1" of the subject lands.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***APPLICANT:*** Luval Enterprises Limited (Clemente Valeri), owner.

***BACKGROUND:***

- Proposal

Application has been received for changes in zoning for lands located south of Mud Street and west of Upper Mount Albion Road, as shown on Appendix "A", on the following basis:

Block "1" - From: "DE-3"- 'H' (Multiple Dwellings - Holding) District

To: "RT-20" (Townhouse-Maisonette) District

Block "2" - From: "DE-3"- 'H' (Multiple Dwellings - Holding) District

To: "R-4" (Small Lot Single-Family Detached) District

Block "3" - From: "RT-30"- 'H' (Street Townhouse - Holding) District

To: "R-4" (Small Lot Single-Family Detached) District

Block "4" - From: "RT-30"- 'H' (Street Townhouse - Holding) District

To: "C" (Urban Protected Residential, etc.) District

The purpose of the proposed changes in zoning is to allow development of the subject lands, in conjunction with adjacent lands to the south in the City of Stoney Creek, for a total of 145 residential units (See Appendix "B").



The lands within the City of Hamilton will be developed on the following basis:

- Block "1" - Townhouses;
- Blocks "2" and "3" - Small Lot Single-Family Dwellings;
- Block "4" - Single-Family Dwellings

- Consultants Report

The applicant's consultant, May, Pirie, & Associates, has submitted a land use Planning Report in support of the proposal. The report concludes, among other points, the following:

"In our opinion, the Revised Concept Plan (August 1993) provides for an appropriate development on the subject lands, which is compatible with the existing and future land uses both in the City of Hamilton and the City of Stoney Creek. Specifically, the single detached residential lots proposed on the south side of Mud Street and the west side of Upper Mount Albion Road are complementary to and compatible with the existing and future single detached residential development in the surrounding area. Further, the proposed townhouse development, which is primarily in the City of Stoney Creek, provides for an appropriate transition between the future Red Hill Creek Expressway and the proposed single detached residential development (See Appendix "B" - Revised Concept Plan)."

- Zoning Application 92-55

Zoning Application 92-55, for changes in zoning on the subject lands, as shown on Appendix "C", was approved by City Council on June 29, 1993, on the following basis:

- Block "1" - From "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;
- Block "2" - From "AA" (Agricultural) District to "RT-30"-'H' (Street Townhouse - Holding) District;
- Block "3" - From "R-4" (Small Lot Single-Family Detached) District to "RT-20"-'H' (Townhouse - Maisonette - Holding) District;
- Block "4" - From "R-4" (Small Lot Single-Family Detached) District to "RT-30"-'H' (Street Townhouse - Holding) District; and
- Block "5" - From "R-4" (Small Lot Single-Family Detached) District to "DE-3"-'H' (Multiple Dwellings - Holding) District.

The purpose of the proposed changes in zoning was to allow development of the subject lands in conjunction with adjacent lands to the south in the City of Stoney Creek. The proposal was approved by City Council at its meeting of June 29, 1993.



By-law No. 93-163, was appealed to the O.M.B on August 25, 1993. The appeal was later withdrawn and dismissed by the Boards Order. By-law No. 93-163 came into effect on November 16, 1993.

- Zoning Application 89-80

Zoning Application 89-80, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for Blocks "2", "3", and a portion of Block "4" (see Appendix "A"), to subdivide the subject lands into lots for "small lot" single-family detached dwellings, in conjunction with the adjacent lands to the south in the City of Stoney Creek, was approved by City Council at its meeting of March 13, 1990.

By-law No. 90-165, came into effect on July 9, 1990.

***LOT SIZE AND AREA:***

- 322.1 m (1,050 ft.) of lot frontage on along Mud Street;
- 45.0 (150 ft.) of lot depth; and,
- 1.5 ha (3.7 acres ) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant Land	"DE-3"- 'H' (Multiple Dwellings - Holding) District and "RT-30"- 'H' (Street Townhouse - Holding) District
<u>Surrounding Lands</u>		
to the north	Vacant Lands	"A" (Conservation, Open Space, Park, and Recreation) District
to the south	Vacant Lands	"RT-20"- 'H' (Townhouse - Maisonette - Holding) District and "C"- 'H' (Urban Protected Residential, etc. - Holding) District
		"R3" - Single Residential Zone and "RM3-7" - Multiple Residential Zone - City of Stoney Creek
to the east	Vacant Lands	"A" - Agricultural Zone - City of Stoney Creek
to the west	Vacant Lands	"AA" (Agricultural) District



**OFFICIAL PLAN:**

The subject lands are designated *Residential* on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.2      Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3      Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v)      Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern.
- C.7.12      Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterials, Inter-Regional Highways or Railway lines.
- C.7.13      Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA."

The subject lands are also located within Special Policy Area 1b. Accordingly, the following policies of Subsection A.2.9.1 - Niagara Escarpment should be noted:

- "A.2.9.1.1      The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is



subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT."

The proposal complies with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "MEDIUM DENSITY APARTMENTS" for Blocks "1" and "2", and "ATTACHED HOUSING" for Blocks "3" and "4" on the approved Albion Falls Neighbourhood Plan. The proposal does not comply with the intent of the Plan. If approved, a redesignation to "ATTACHED HOUSING" for Block "1" and "SINGLE AND DOUBLE RESIDENTIAL" for Blocks "2", "3", and "4" would be required.

#### ***RESULTS OF CIRCULARIZATION:***

- The following Agency and Departments have no comment or objection:
  - Building Department;
  - Niagara Escarpment Commission;
  - Trans-Northern Pipelines Inc.; and,
  - Hamilton Region Conservation Authority.
- The Roads Department has advised:

"Our previous comments dated March 25, 1993, June 1, 1993 and January 21, 1994 on Zoning Application 92-55 and 93-40 are still applicable to this application approval (see Appendix "D").

This memo is sent to clarify our comments on this development proposal. As was stated in the past, these lands should be placed in a "Holding Zone" and that the removal of the holding restriction shall be conditional upon the applicant/owner entering into a Modified Subdivision Agreement with the Region/City, and an Access Agreement with the Region to the satisfaction of the Regional Roads Department. This is required for roadway improvements required as a result of this entire development.

In particular, we also advised under Red Hill Vista draft plan of subdivision that direct access to Mud Street from any single family residential lots would not be permitted until such time as Mud Street is realigned to the south and this section of Mud Street reverts to a local cul-de-sac under the jurisdiction of the Area Municipality. This condition still applies and we will recommend, in addition to other comments, that under the revised Red Hill Vista Draft Plan of Subdivision dated December 1993 and signed by the owner on January 17, 1994, that lots 1 to 20 inclusive not be issued any access permits, building permits and sewer or water permits until Mud Street is realigned to the south and this section of Mud Street reverts to a local cul-de-sac under the jurisdiction of the Area Municipality.



The "Holding Zone" provision on these single family lots will not be lifted until the above conditions have been satisfied. The Access Agreement between the applicant/owner and the Region will exclude any Access Approvals for these single family lots until such time as the realignment of Mud Street to the south has been constructed and this section of Mud Street reverts to a local cul-de-sac under the jurisdiction of the Area Municipality. The applicant/owner should be made aware of these development and access restrictions at this time.

We also recommend that this application be sent to the City of Stoney Creek for their comments as this entire development is partially situated within their Municipality.

We trust that this has clarified our position on this development proposal."

- The Special Projects Office has advised:

"This section of the Red Hill Creek Expressway is currently on hold and is being reviewed. The current Regional policy is to provide noise attenuation for the rear yard outdoor living area for the existing residential development where it is economically, aesthetically and administratively feasible. However, due to the proposed adjacent ramp alignment and grade, it may not be feasible to provide economical noise attenuation.

It is the recommendation of this office that any proposed plan should have only access roads, parking lots and the front yards adjacent to or facing the Expressway to act as buffer zones and provide on-site attenuation for the rear yard living areas. Also, a grade plan should be submitted for approval as a condition of site plan approval."

- The Traffic Department has advised that:

"It is our understanding that the alignment of this section of the Red Hill Creek Expressway is currently on hold and is being reviewed. Therefore, the plan to cul-de-sac Mud Street in the area of this proposal is also on indefinite hold. We concur with the Special Projects Office that direct access to Mud Street for any residential lots will not be permitted until such time as the realignment of Mud Street has been completed. Also, we request that no street townhouses be permitted until such time as the realignment of Mud Street has been completed. Also, we request that no street townhouses be permitted to have direct frontage onto Mud Street at any time.

A draft plan of Subdivision showing 74 single family units was previously approved for the development on these lands. As a condition of approval of these lands, a left turn lane into the site on Mud Street was to be provided if the development was started prior to the realignment of Mud Street in order to minimize the traffic impacts of this development on Mud Street.

If this application is to be approved, the requirement for left turn lanes at Mud Street entrances for this project should be specifically required if the project proceeds prior to the Mud Street closure."



- The City of Stoney Creek has advised that:

"City Planning staff have reviewed the above-mentioned and note that lands forming part of this development proposal in the City of Stoney Creek were rezoned to allow block townhouses as the result of the adoption of Zoning By-law Nos. 3864-93 and 3865-93 both dated September 14, 1993. It is also noted that Official Plan Amendment No. 50 to the Stoney Creek Official Plan is presently before the Region for approval."

#### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Albion Falls Neighbourhood Plan. If approved, a redesignation to "ATTACHED HOUSING" for Block "1" and "SINGLE AND DOUBLE RESIDENTIAL" for Blocks "2", "3", and "4" would be required.
3. The proposal has merit and can be supported for the following reasons:
  - i) the requested zoning provides for an appropriate development on the subject lands, which is compatible with the existing and future land uses both in the City of Hamilton and the City of Stoney Creek. Specifically, the single-family detached residential lots proposed on the south side of Mud Street (Blocks "2", "3", and "4") are complementary to and compatible with the existing and future single-family detached residential development in the surrounding area. Further, the proposed townhouse development (Block "1") is to be developed in conjunction with townhouses in Stoney Creek (See Appendix "B" - Revised Concept Plan);
  - ii) the proposed zoning effectively reduces the number of residential units and provides for a better mix of housing; and,
  - iii) the requested zoning is essentially the zoning that was previously approved under Zoning Application 89-80, prior to Zoning Application 92-55, by City Council at its meeting of March 13, 1990.
4. In keeping with the recommendation of the Roads Department and the existing zoning of the subject lands, these lands should be placed in a "Holding Zone" subject to the applicant/owner entering into a Modified Subdivision Agreement with the Region/City, and an Access Agreement with the Region to the satisfaction of the Regional Roads Department.

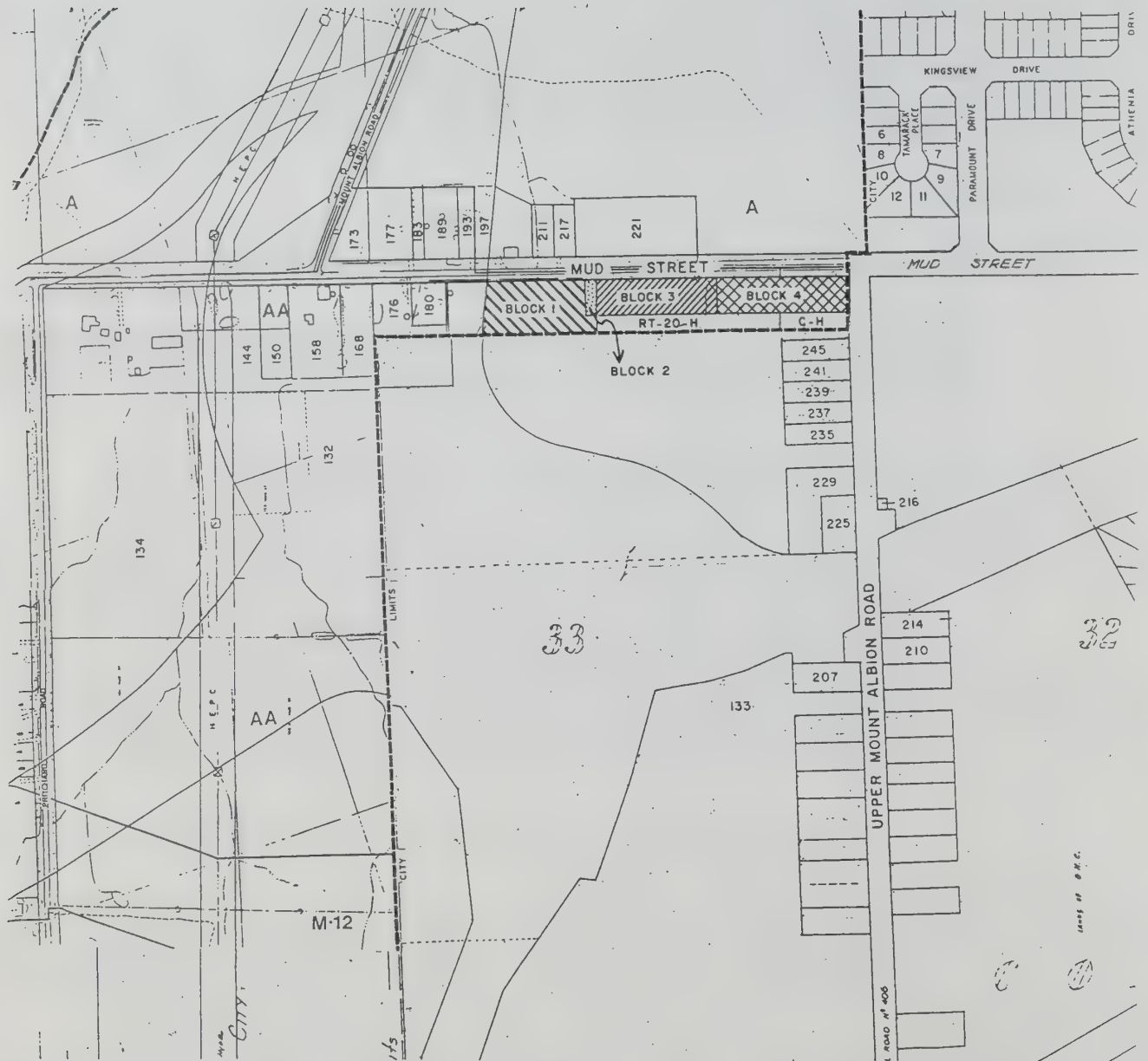
Furthermore, as per Traffic Department comments, it would be appropriate to modify the "RT-20"- 'H' (Townhouse-Maisonette - Holding) District regulations, applicable to Block "1", to prohibit Street Townhouse Dwellings on Mud Street.

#### **CONCLUSION:**

Based on the foregoing, the proposal can be supported.


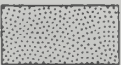


JL/jl





### Legend

Proposed change in zoning from:

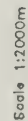
- |         |   |   |
|---------|---|---|
| BLOCK 1 |  | "DE-3"- 'H' (Multiple Dwellings - Holding) District to<br>"RT-20"- 'H' (Townhouse - Maisonette - Holding) District.         |
| BLOCK 2 |  | "DE-3"- 'H' (Multiple Dwellings - Holding) District to<br>"R-4"- 'H' (Small Lot Single-Family Detached - Holding) District. |
| BLOCK 3 |  | "RT-30"- 'H' (Street Townhouse - Holding) District to<br>"R-4"- 'H' (Small Lot Single-Family Detached - Holding) District.  |
| BLOCK 4 |  | "RT-30"- 'H' (Street Townhouse - Holding) District to<br>"C"- 'H' (Urban Protected Residential, etc. - Holding) District.   |

APPENDIX "A"

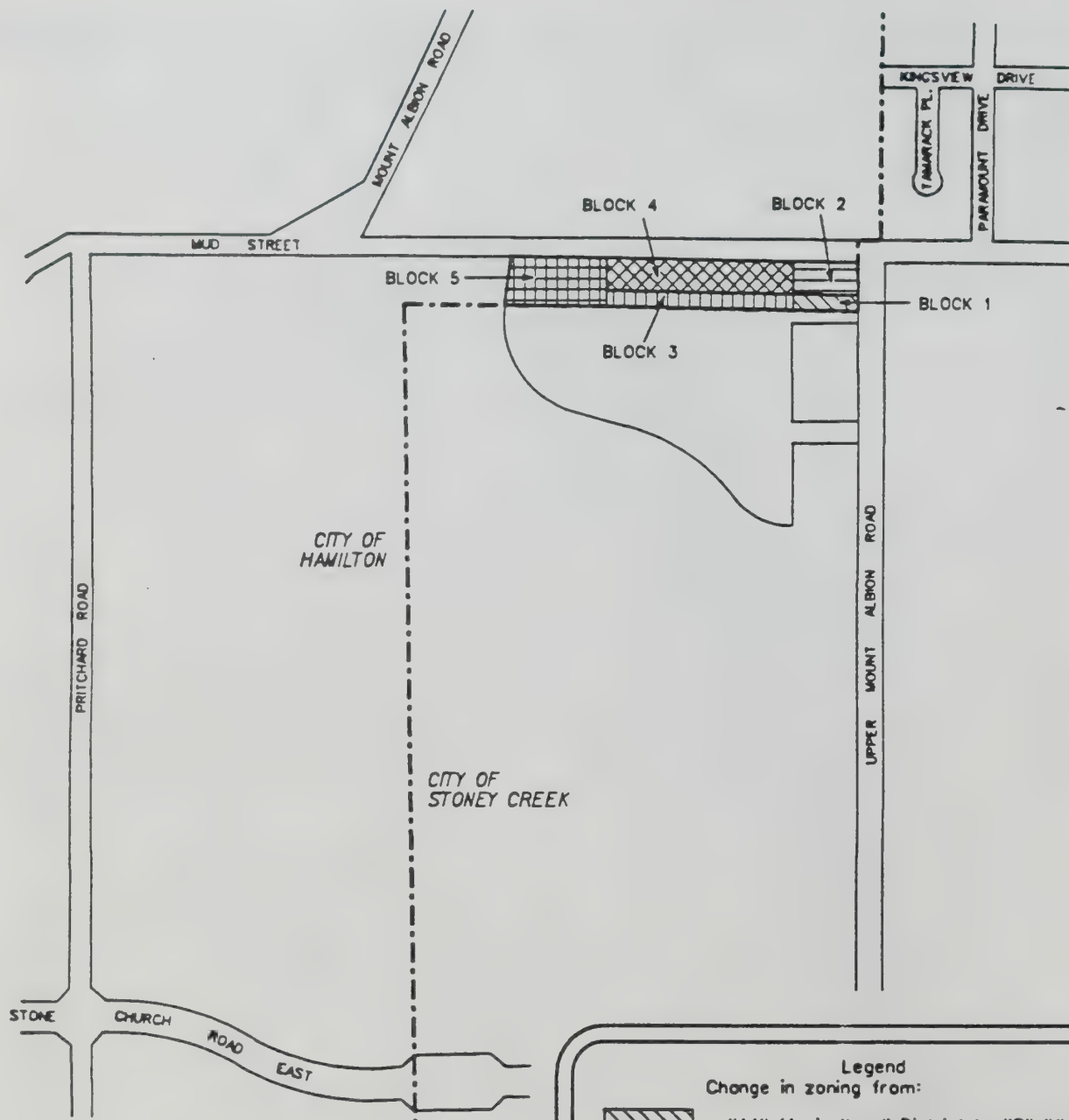


## 11

AUGUST 1903







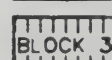

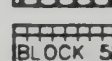


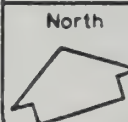
NOTE: All dimensions are in metres

# City of Hamilton Key Map to By-Law No. 93-163

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend Change in zoning from:

-  BLOCK 1 "AA" (Agricultural) District to "C"-H' (Urban Protected Residential, etc. - Holding) District.
-  BLOCK 2 "AA" (Agricultural) District to "RT-30" - H' (Street Townhouse - Holding) District.
-  BLOCK 3 "R-4" (Small Lot Single-Family Detached) District to "RT-20" - H' (Townhouse - Maisonette - Holding) District.
-  BLOCK 4 "R-4" Small Lot Single-Family Detached District to "RT-30" - H' (Street Townhouse - Holding) District.
-  BLOCK 5 "R-4" (Small Lot Single-Family Detached) District to "DE-3" - H' (Multiple Dwellings - Holding) District.



Scale  
NOT TO SCALE

Date  
JUNE 1993

Reference File No.  
ZA-92-55

Drawn By  
W.J.S.



\*\*\*\*\*

YOUR FILE: ZAC-93-40

OUR FILE: E220-0104  
PHONE: (416) 546-2809

DATE: 1994 January 21

In our review of this application and development proposals on that portion of the property on lands to the south located within the City of Stoney Creek, we note that the approval of this development in Hamilton and Stoney Creek will exceed the number of residential units previously approved under Red Hill Vista draft plan of subdivision. It should be determined whether this development proposal conforms to the intent of recent Regional Council Policy regarding the moratorium on development in this area.

The subject lands should be placed in a "Holding Zone" and that the removal of the holding restriction shall be conditional upon the applicant/owner entering into a Modified Subdivision Agreement with the Region/City, and an Access Agreement with the Region to the satisfaction of the Regional Roads Department. This is required for the roadway improvements required as a result of this development approval.

In addition to their previous comments on the requirement of noise berm easement etc., which are still applicable to this application approval, the Special Project Office has submitted the following comments:

" We have reviewed the above-noted application and have no comment with regard to the operation, construction or cost to the Red Hill Creek Expressway.

APPENDIX B



-page 2-  
January 21, 1994

**Zoning Application 93-40  
Mud Street and Mount Albion Road  
City of Hamilton**

cont'd...

We do note, however, that the revised concept plan is more desirable than previously submitted as most of the internal road and the residential units are situated to mitigate the Expressway noise for their rear yard (outdoor) living areas."

We wish to emphasize that direct access to Mud Street for any residential lots on Mud Street will not be permitted until such time as the realignment of Mud Street to the south has been constructed and this section of Mud Street reverts to a local road under the jurisdiction of the Area Municipality.



CAU  
attach.

cc: R. Douglas, Surveys



mq  
JLk





16  
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Transportation / Environmental Services Group

Roads Department

71 Main Street West, Hamilton, Ont. L8N 3T4

Tel: (416) 546-4170

Fax: (416) 526-6000

ETD-0104

February 23, 1993

Our File: 5718-51

Att: D. Christilaw

Your File: 075-1469

The City of Stoney Creek  
777 Highway No. 8  
P.O. Box 9940  
Stoney Creek, Ontario  
L8G 4N9

Att: Steve Miazga, M.C.I.P.

Re: Application by Luval Enterprises Ltd.  
Mud Street & Upper Mount Horning Road  
Hamilton and Stoney Creek

Dear Mr. Miazga;

This is in reply to your request for comments concerning the proposed development for 3 single family units, 84 apartment units, 89 block townhouse units and 32 Street townhouse units on the above noted lands. For your information these comments will also apply to the current City of Hamilton Zoning Application ZA 92-55 which applies to a portion of the subject lands. Please note the following:

- 1) The lands can be serviced to existing sanitary and storm sewers on Mud Street and Upper Mount Albion Road as shown on the attached sketch.
- 2) The Region will require the applicant to dedicate a 9 metre easement through the subject lands to provide for future sewers which will extend southerly from the subject lands. Two optional locations are noted on the attached plan and could be adjusted to suit the final layout of the buildings. The owner may choose the route which is the most suitable to their development proposal. Option 2 is obviously the shortest and most likely the most economical, however the applicant may find that this option conflicts with the layout of the proposed apartment building and townhouse units adjacent to the proposed easement. If Option 1 is chosen, the portion of the sewers on Mud Street will require approvals under the Local Improvement Act and from Regional Council. The applicant will be required to construct sewers over one of the easements to the southerly limit of their lands at the time of development and at the applicants expense.
- 3) Watermains are existing on Upper Mount Albion Road for servicing the abutting lands. No watermains exist on Mud Street abutting the property.

cont'd ...



23, 1993

**Application by Laval Enterprises Ltd.  
Mud Street & Upper Mount Horning Road  
Hamilton and Stoney Creek**

The owner should be advised that a watermain will be required to be constructed on Mud Street to provide adequate service for the entire site. The proposed watermain on Mud Street must also be approved under the Local Improvement Act and requires Regional Council approval before the Region could proceed to have the watermain constructed. Final approval for this development should not be given until the watermain issues have been resolved.

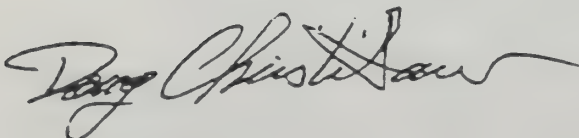
- 4) Due to the controversial and uncertain status of the proposed "Red Hill Creek Expressway" in this area, the applicant should be advised that there are a number of concerns that may affect the layout and grading of this development. These include, but are not limited to the following:
- i) The applicant will be required to dedicate to the Region as a condition of development approval, a 15 metre wide Berm and Noise Barrier Easement along the entire portion of the site that abuts the Expressway.
  - ii) It is current Regional policy to provide noise attenuation for the rear yard outdoor living areas for existing residential development where it is economically, aesthetically and administratively feasible. However, due to the proposed alignment and grade of the adjacent Expressway ramp it may not be feasible for the Region to provide economical noise attenuation. As a result, the applicant may be required to provide at their expense, the noise attenuation measures required to bring any noise levels emanating from the proposed expressway, to a level that is considered acceptable by the Ministry of the Environment.
  - iii) A grading plan should be submitted to the Region for approval as a condition of the site plan approval process. The applicant should also be advised that the subject lands may require substantial regrading to match the proposed grades of the adjacent expressway ramp so that some noise attenuation measures may be implemented.
  - iv) It is the recommendation of the Region's Special Projects Office (staff dealing with the Expressway development), that any proposed plan should only have access roads, parking lots and the front yards adjacent to or facing the Expressway to act as buffer zones. On-site noise attenuation should be provided for the rear yard living areas.
- 5) We would like to remind you that current Regional policy has placed a freeze on new development in this area which would continue to apply until either the "Red Hill Creek Expressway" issue is resolved, or Regional Council changes the policy. For your information, this policy is currently being reviewed by various Regional Committees and a new resolution may be forthcoming in the next few months.



February 23, 1993

**Application by Luval Enterprises Ltd.  
Mud Street & Upper Mount Horning Road  
Hamilton and Stoney Creek**

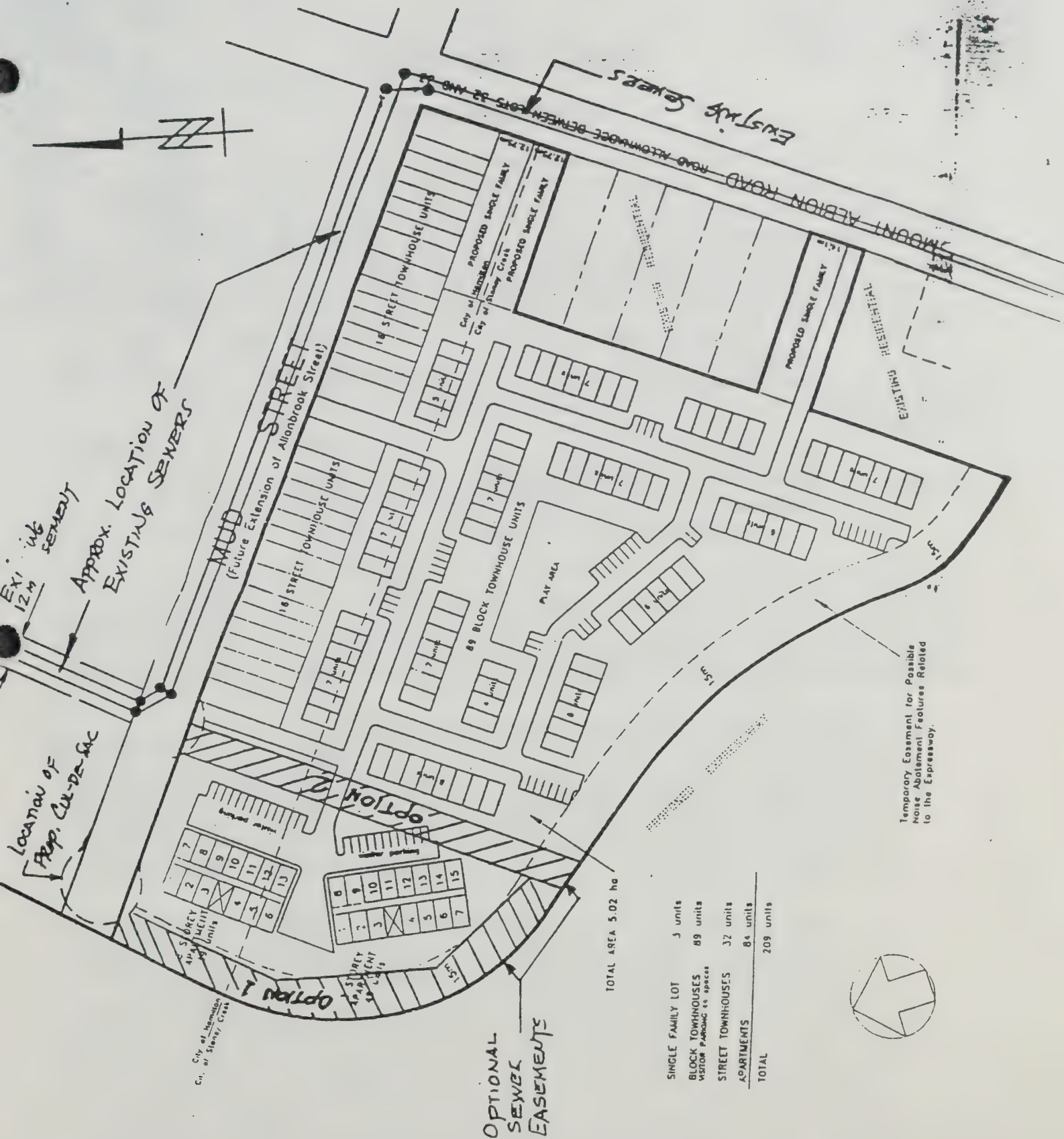
- 6) The proposed driveway access fronting onto Upper Mount Albion Road adjacent to the proposed single family lot as shown on the proposed site plan appears to be too narrow to permit proper two-way passage of vehicles to the site. This office is currently discussing this situation with Stoney Creek's Engineering Department.
- 7) The applicant will require Building Line and Access Permits prior to development of the site.
- 8) The applicant will be required to satisfy the Region's requirements previously noted under the approved draft plan submission for "Red Hill Vista" subdivision which include the following:
  - i) Dedicate sufficient lands to the Region for the proposed cul-de-sac bulb near the westerly limit of the subject lands. The proposed cul-de-sac is to be established at a 15 metre radius with 9 metre transitions from the existing Mud Street property lines. The cul-de-sac is to be located at the westerly limit of this site, at the proposed termination of Mud Street.
  - ii) No building permits, sewer or water permits will be issued for those lots fronting on Mud Street until the existing portion of Mud Street is closed and re-aligned. This will be a condition included in the Subdivision/Service Agreement required at the time of development.
  - iii) The applicant will only be permitted one access onto Mud Street from the site prior to Mud Street being closed. This access will be limited to the most westerly access to the site from Mud Street.
  - iv) The applicant will be required to enter into a Subdivision/Service agreement with the Region prior to the development of the subject lands.
- 9) For the information of the applicant, Mud Street, between the Expressway and Upper Mount Albion Road is proposed to be transferred to the City of Stoney Creek after it has been closed. Stoney Creek may require this roadway to be upgraded to an urban roadway section and the applicant may be required to pay for these costs in conjunction with the development of their lands.



Doug Christilaw, C.E.T.  
Subdivision Administrator

cc: V. Abraham, Local Planning, City of Hamilton







# ROADS DEPARTMENT

## MEMORANDUM

File No	5718-161	
Letter No		
JUN 10 1993		
ROADS	ENV.	/IC
Director	Director	
Admin.	Admin.	
Prog. & Devel.	Prog. & Prelim. Des.	
Pre-design & Spec. Proj.	Plant Oper.	
Design & Const.	Infra. Maint.	
PaRCIL	Waste Mgmt.	
Cust. Serv.	Lab	
Filed By	Ans By	

TO: P. Mallard  
Division Head, Land Use and Urban Design  
Department of Planning & Development

YOUR FILE:

FROM: E. P. Chajka, P. Eng.  
Manager of Development  
Roads Department

OUR FILE: E220-0104  
PHONE: (416) 546-2809

SUBJECT: Zoning Application 92-55  
Luval Enterprises Limited for the  
District Block "5", for lands located  
South of Mud Street and East of the  
Proposed Red Hill Creek Expressway

DATE: 1993 June 1

We refer to our previous letter dated March 25, 1992 with respect to the above application. As you may be aware, there have been meetings between staff and the owners' agents with respect to the details of development on these lands and we now provide the following updated comments:

1. Regional Council has placed a freeze on new development in this area which is still in effect today. Accordingly the number of residential units in this revised development proposal cannot exceed the number of residential units previously approved under Red Hill Vista draft plan of subdivision. Although this moratorium on development is under review, it remains in effect until Regional Council changes the policy. Therefore any development approvals must be phased/staged in accordance with this policy.
2. We have reviewed the Traffic Generation study prepared by Parker Consultants and do not concur with the conclusions in the report. According to our information and design guidelines, any development of these lands for residential purposes without roadway improvements on Mud Street, would have serious implications on the through traffic movement. Since the timing of the Freeway Interchange and the Mud Street Re-alignment has not been finalized to date, these roadway improvements to existing Mud Street should included as a condition of this development approval. Further, as these improvements are required directly as a result of this development and as there are no plans in the future to improve the capacity of this section of Mud Street, roadway improvement costs for this left-turn lane should be at the sole expense of the applicant/owner.

continued...



Page 2  
Zoning Application 92-55

continued...

3. At the staff meeting held on May 26, 1993, staff of the City of Stoney Creek expressed concern that at such time as this section of Mud Street reverts to local jurisdiction that there will only be one access into this development at the intersection of Mud Street and Upper Mount Albion Road. It is their opinion that two access points should be provided and that the approval of this development and the closure of Mud Street should be integrated with a plan to provide a second street access, south of Mud Street to Paramount Drive.
4. As was noted previously, the cul de sac bulb on Mud Street must be constructed offset to the south side of Mud Street at a 15m radius with a 9m radius transition out of the bulb.
5. Further details on the access to Upper Mount Albion Road and the residential lot must still be resolved since it is our opinion that a 6m width driveway is insufficient to provide proper access to this development.
6. All our previous comments in our previous letter dated March 25, 1993 are still applicable.

Should you require further information on these matters, please contact Mr. H. Groen of this Office at 546-4278.

HNG



cc: City of Stoney Creek  
Att: Mr. Steve Miazga

cc: Roland Karl, Traffic Department

cc: Gary Moore, Special Projects Office

cc: Doug Christilaw, Roads Department









3.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 27 1994

**DATE:** 1994 April 25  
(HOU-HI)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

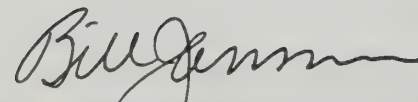
**FROM:** V.J. Abraham, M.C.I.P.  
Director of Local Planning

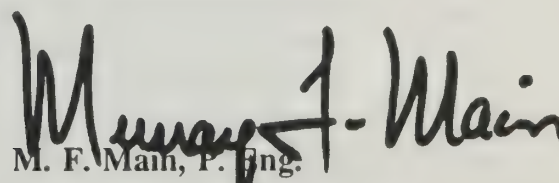
Mr. M. F. Main, P. Eng.  
Director of Traffic Services

**SUBJECT:** Front-yard Parking Regulations - Referral to Staff from the  
Planning and Development Committee (July 21, 1993)

**RECOMMENDATIONS:**

1. That future applications for boulevard parking agreements for buildings designated under the Ontario Heritage Act be circulated to LACAC for their comments.
2. That the designation process for buildings and districts proposed for designation under the Ontario Heritage Act include a review of the appropriateness of permitting front-yard parking/boulevard parking for the building or district.

  
for V.J. Abraham, M.C.I.P.  
Director of Local Planning

  
M. F. Main, P. Eng.  
Director of Traffic Services



## BACKGROUND:

At its meeting of July 21, 1993, the Planning and Development Committee directed staff to review Front-Yard Parking Regulations with respect to Heritage Buildings and Older Residential areas. The origin of the issue was the Local Architectural Conservation Advisory Committee, which had expressed concerns over the issuance of a permit for a boulevard parking space for a particular property (No. 227 Ferguson Avenue South) (refer to Appendix "A").

## COMMENTS:

This report reviews three issues in order to address the concerns identified by LACAC: the boulevard agreement for No. 227 Ferguson Avenue South; front-yard parking for designated buildings and Heritage Conservation Districts; and, front-yard parking in older residential areas.

- No. 227 Ferguson Avenue South

This property is one in a series of terraced row houses. The terrace of houses is designated under the Ontario Heritage Act. Early in 1993, an application was made to the City's Traffic Department for a driveway approach and a boulevard parking agreement for No. 227 Ferguson Avenue South. This is the end unit at the southern end of the terrace of homes. The permit and boulevard agreement allowed the owner to construct a parking space located partially on the front yard and partially on the road right-of-way (the boulevard).

The members of the Local Architectural Conservation Advisory Committee became aware of the matter through complaints. A review of the matter identified the heritage nature of the terrace. The owners of the other homes in the terrace expressed concern with respect to the impact of the parking space on the visual aesthetic of the entire row. However, at the time the complaints surfaced, the permit and boulevard agreement had been finalized and the parking space had been constructed. It should be noted that designation under the Ontario Heritage Act does not include the grounds of the site.

A review of the process involved in issuing the permit and the signing of the boulevard agreement was undertaken by staff of the Local Planning Branch and the Traffic Department in response to the concerns expressed by LACAC and the residents of the terraced row houses on Ferguson Avenue. It has been agreed that future applications for boulevard parking agreements for buildings designated under the Ontario Heritage Act will be circulated to LACAC for their comments. Any issues arising from the LACAC comments will be jointly addressed by the applicant, the Traffic Department, and staff of the Local Planning Branch (Heritage Planning Section).

A second issue that arose regarding this property is the fact that it is located within the Niagara Escarpment Commission Development Control Area. A development permit is required from the Commission in order to construct the parking space and driveway approach. The owner of the property has been contacted by the Commission regarding



their requirements. In order to ensure that property owners are aware of the requirements of the Niagara Escarpment Commission, future applications for boulevard parking agreements will be reviewed to ascertain whether or not the property is within the Development Control Area.

• Front-Yard Parking - Heritage Conservation Districts and Designated Buildings

Heritage Conservation District Plans are prepared by the City for groups of buildings within a defined area ("the district") which, in their totality, are worthy of designation. The City has three Heritage Conservation Districts; a plan is currently being prepared for a fourth District. The District Plans, in the past, have evaluated whether or not front-yard parking/boulevard parking is appropriate but only in general terms. One plan, the St. Clair Avenue Heritage Conservation District Plan, contains policies which prohibit front-yard parking/boulevard parking. In this area, the City Traffic Department does not process boulevard agreements as front-yard parking/boulevard parking is not permitted, in accordance with the policies of the District Plan.

The policies and practices utilized within the St. Clair Avenue Heritage Conservation District Plan offer a solution to the issue of front-yard parking/boulevard parking in Heritage Conservation Districts and for individually designated buildings. In this regard, future recommendations for Heritage Conservation Districts and individual building designation would specifically address whether or not front-yard parking/boulevard parking should be permitted within the District or for a specific building being recommended for designation. The recommendations could also address whether or not a Zoning By-law amendment should be initiated to remove front-yard parking/boulevard parking as a permitted use for the property or properties being considered for designation.

The advantages to addressing front-yard parking/boulevard parking for newly designated Districts and buildings are three-fold. First, the affected landowner(s) are involved in the designation request and recommendation. The issue of whether or not front-yard parking/boulevard parking should be prohibited is reviewed and decided upon with the property owner(s). This allows the City and the owner(s) to deal with the matter before an application for front-yard parking/boulevard parking is made. Second, as the recommendation for designation is being prepared, the City has the time to research and review the matter thoroughly. Third, a clear decision is made and all affected parties, including the City, are knowledgeable of that decision.

The Local Planning Branch is currently preparing a Heritage Conservation District Plan for the Durand-Markland area. One aspect of this study will be recommending certain amendments to the Heritage policies of the Official Plan. It would be appropriate, at the time these recommendations are reviewed, to address the issue of front-yard parking/boulevard parking for heritage buildings in policy form. It is anticipated that the review of the Heritage policies of the Official Plan will be done in 1994. Consultation will be undertaken with LACAC and the Traffic Department in reviewing the



recommendations of the Durand-Markland Heritage Conservation District Plan.

It should be noted that existing designated Heritage buildings are still permitted to construct a front-yard parking/boulevard parking space, subject to the requirements of the Zoning By-law and the Traffic Department (boulevard agreements where necessary). Any request to have a front-yard parking/boulevard parking space would be subject to review by the Traffic Department and LACAC, per the newly established procedures for designated buildings (refer to Comments under No. 227 Ferguson Avenue South).

- Older Residential Neighbourhoods

The City's Zoning By-law was amended in 1993 to establish new regulations regarding front-yard parking for one and two-family dwellings. The new requirements for front-yard parking include provisions that a minimum of fifty percent of the front-yard is to be landscaped. This leaves a maximum of fifty percent of the front-yard area for parking and manoeuvring space (or other hard surfaces such as sidewalks and porches).

This amendment to the Zoning By-law was initiated as a result of the City's Housing Intensification Study. The amendment specifically addresses the concerns in those neighbourhoods where many properties do not have individual driveways and use on-street parking for their vehicles. The lack of individual driveways is typical of the development in older residential neighbourhoods, many of which are found in the Lower City. One of the reported problems in these neighbourhoods was due to the Zoning regulations in place prior to the amendment of 1993. The previous regulations permitted the paving the entire front-yard. The visual amenity and quality of the residential environment was impaired by the extent of the paving of front-yards done in many neighbourhoods.

The Housing Intensification Study was a three-year process undertaken by the City to address specific concerns and impacts of intensification experienced by residents of the City. There was extensive public consultation and participation over the issues - particularly from residents of the older residential areas east of downtown Hamilton. The issue of front-yard parking/boulevard parking was one of those concerns addressed through the amendment to the Zoning By-law. The broad-based consultation with residents of the impacted areas was undertaken in order to ensure that the new regulations were fair to the landowner yet did not detract from the quality of the residential neighbourhood.

It is important to note that there are many front-yard parking/boulevard parking spaces that were constructed under the previous regulations of the Zoning By-law. In fact, the impact that these parking spaces produced in many neighbourhoods was one of the driving forces in revising the requirements for front-yard parking. The new Zoning By-law regulations will not permit the paving of as much of the front yard as was previously



permitted. While, in a sense, damage has been done in terms of the extent of paving previously allowed, the new Zoning By-law regulations do not allow for the previous situation to return.

The amendments to the Zoning By-law have been in force for approximately one year. The policies and regulations were designed to balance the needs of landowners with concerns for the broader neighbourhood. With the regulations being in effect for only one year, it does not appear that an additional review of front-yard parking policy in older residential neighbourhoods is warranted at this time. With regard to the implementation of the front-yard parking regulations, the Planning and Traffic Departments currently monitor the implementation and will continue to do so.

### **LACAC COMMENTS:**

This report was circulated to the Local Architectural Conservation Advisory Committee for their comments. The Committee supported the report. Some alternatives identified by LACAC include the options of permit parking on a specific street as well as parking at the rear of a property for those properties with a rear alley. Both of these solutions may be appropriate in areas of the City. However, whether or not permit parking and/or alley parking are appropriate is best determined by the residents of the area.

For the information of the Planning and Development Committee, the LACAC members have requested information on other matters relative to front-yard parking (e.g. information from other municipalities regarding front-yard parking as well as examples of streets in Hamilton with both front-yard parking and on-street parking). This information will be forwarded directly to LACAC by the Planning and Development Department.

### **CONCLUSION:**

Based on the above review, certain changes in procedure and policy have been initiated to address the concerns expressed by the members of LACAC regarding driveway approaches and boulevard parking agreements for designated buildings and Districts. Ongoing consultation with LACAC members will continue respecting front-yard parking/boulevard parking for designated buildings and Heritage Conservation Districts.

MLT:mlt



# CITY OF HAMILTON

**- RECOMMENDATION -**

**DATE:** 1993 July 12

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charlene J. Touzel, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Front Yark Parking Regulations - Review Requested for  
Designated Residential Properties and Older  
Neighbourhoods in Hamilton

**RECOMMENDATION:**

That the Planning and Development Committee investigate alternatives to front yard parking for Designated residential areas and older neighbourhoods in the City of Hamilton.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

## BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1993 July 12 received a delegation of citizens expressing concern that the owner of a designated building in their neighbourhood was given approval from the City to undertake a front yard parking project.

The Local Architectural Conservation Advisory Committee is requesting that consideration be given to adopt a policy to discourage front yard parking for designated heritage buildings and districts. In this case, the Traffic Department could flag applications for designated properties and request comments from LACAC before the application is approved.

The Committee's major concerns respecting the existing parking regulations are that front yard parking is allowed not only in designated residential areas but in all of the older neighbourhoods of the City; and, the major impact that it can have on the appearance of a streetscape. In this respect, an investigation into alternatives to front yard parking in these areas is warranted.

cc Victor Abraham, Director of Local Planning  
Murray Main, Director of Traffic Services  
Nina Chapple, Planning Department



4.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

APR 26 1994

**DATE:** April 25, 1994

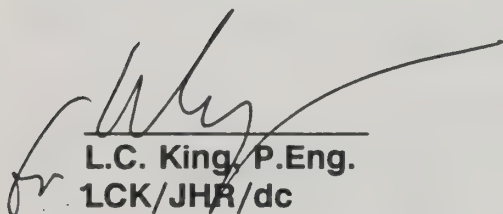
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** JOINT PROGRAMME: MINISTRY OF COMMUNITY AND SOCIAL  
SERVICES AND CITY OF HAMILTON (94.2.4.2.1.A)

**RECOMMENDATION:**

That the Building Department be directed to formalize with the Ministry of Community and Social Services the trial programme regarding home rehabilitation assistance for homeowners in receipt of family benefits.

  
L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

In late 1992, the Building Department, Loans Division, discovered that the City and the Ministry of Community and Social Services could provide a complimentary service by pooling our expertise and financial resources. This partnership has resulted in a major saving to the taxpayer as well as providing better service to homeowners.



The Loans Division has been unable, over the years, to accept applications from owners of property in receipt of family benefits because the applicants did not meet the income qualifications for the repayable portion. The Ministry on the other hand had funding available but lacked the expertise to inspect and police the rehabilitation work required to bring the properties up to standard. The end result was that many people who needed the assistance were being frustrated by the two levels of government.

In late 1992, this Department met with the Ministry and addressed our common problems. It was agreed that if the Ministry of Community and Social Services would refer their clients, in writing, we would take an application for assistance under the Federal Government Loan Programme regardless of the applicant's ability to qualify for the loan portion of the programme. In the event the costs exceeded the owners ability to repay, based on either loan or grant levels, the Ministry would either make a cash payment or increase the owner's shelter allowance to cover the repayment costs.

The City would provide inspection services as well as confirm that the work was done as per the quotes supplied. We would also ensure that the owners did not overpay based on the work required. We, of course, would also make sure the owner received the maximum federal grant available. This would reduce Ministry costs. The City would also handle disputes as we have greater flexibility in resolving problems with contractors. It was agreed we would implement this on a trial basis before formalizing any agreement. It is worth noting that no other municipality in Ontario has attempted a similar programme.

Since last year the results have proved beneficial to both parties and the Ministry has suggested to Toronto that this procedure should be adopted across the Province. Last year we finalized 32 referrals and the total rehabilitation cost was \$312,971. The federal grant portion amounts to almost \$100,000, and the balance was in the form of loan repayments or additional grants from the Ministry. In addition, we have handled twenty-five additional enquiries which resulted in savings to the Ministry.

The Ministry has advised us that we have saved them hundred of thousands of dollars and provided them with the expertise they lacked. We have also been able to advise them on fraudulent requests as well as reimbursed them for over payments for work not completed.

In view of the fact Canada Mortgage and Housing Corporation has extended the Federal Programme for at least two years, we believe that our trial programme should be formalized in order that a closer and more comprehensive programme can be implemented.



5.

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 May 4

**CONSENT AGENDA**

URBAN A

GOVERNMENT DOCUMENT

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning & Development Committee Meeting Held 1994 April 20.

B. **ACTING SECRETARY, LACAC**

Veevers Home, 222 Veevers Drive - Designation Recommendation.

C. **SENIOR DIRECTOR, ROADS DEPARTMENT**

Claudette Gardens, Phase 5 - Cash in lieu of 5% Parkland Dedication.

D. **DIRECTOR OF PROPERTY**

Release of Building Covenants, City Sale to 609892 Ontario Limited, 1060-1088 Rymal Road East.

E. **DIRECTOR OF PUBLIC WORKS**

Downtown Action Plan - Phase IV, Sixth Annual Business Development Seminar.

F. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Proposed Draft of Condominium "Bayberry Village"
- (b) Kirkendall/Chedoke Modified Neighbourhood Plan Review

G. **BUILDING COMMISSIONER**

- (a) Demolitions:
  - i) 772 West 5th Street
  - ii) 788 West 5th Street
  - iii) 1790 Main Street West
  - iv) 1796 Main Street West
  - v) 1812 Main Street West
  - vi) 149 Macauley Street







Planning & Development Committee  
Wednesday, 1994 May 4  
Consent Agenda ...cont'd

(b) Commercial Loan Programme - 1023 King Street West

H. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items







A.

Wednesday, 1994 April 20  
9:30 o'clock a.m.  
Room 233, City Hall

**The Planning and Development Committee met:**

**There were present:** Alderman F. Eisenberger, Vice-Chairperson  
Mayor R.M. Morrow  
Alderman F. D'Amico  
Alderman B. Charters  
Alderman D. Wilson  
Alderman M. Kiss  
Alderman H. Merling

**Regrets:** Alderman D. Drury, Chairperson (Regional Business)  
Alderman Wm. McCulloch (City Business)

**Also present:** Paul Mallard, Planning Department  
Joanne Hickey-Evans, Planning Department  
Bill Janssen, Planning Department  
Eugene Chajka, Transportation/Environmental Services  
Peter Lampman, Building Department  
Dave Powers, Law Department  
Roland Karl, Traffic Department  
John Sakala, Planning Department  
Tina Agnello, Secretary

**1. Zoning Application 94-05, Tinh Vuu, owner, for a modification to the established "H" District regulations, for property located at No. 650 Barton Street East; Gibson Neighbourhood.**

A submission was received and distributed at the meeting from Mrs. D. Franzke, 17 Earl Street, Hamilton, L8L 6L1.

The applicant was not present.

The Mayor questioned why staff is not supporting business on Barton Street. Paul Mallard explained that there is potential for adverse spillover effects on the neighbourhood and that live entertainment is considered a noxious in an "H" District Commercial Use. Live entertainment is permitted in regional shopping centres, highway strip commercial areas and the central business district. The Licensing Division has advised that the subject area has been a source of complaints for noise from areas which have live entertainment. Given the history and the complaints, the Planning Department is recommending denial. Of 248 notices, nine replied in favour and 16 were opposed.

Mrs. Franzke, 17 Earl Street, was present. She was concerned with the noise coming from the nearby pool hall and the dance hall. She also said that people are congregating in the parking lot out in the rear, which is close to the homes.

Paul Marshall, 60 Birch Avenue, was also present. He was concerned with what type of live entertainment would be permitted.

Paul Mallard replied that he understands that the application is for live music bands, but, should the application be approved, it should be restricted not to include adult entertainment.



As recommended by the Commissioner of Planning and Development in a report dated 1994 April 08, the Committee recommended to Council as follows:

1. That Zoning Application ZAR-94-05, Tinh Vuu, owner, requesting a modification to the existing "H" (Community Shopping and Commercial, etc.) District regulations to permit live entertainment (live music) in conjunction with the existing restaurant/tavern for lands at 650 Barton Street East, as shown on the attached map marked as Appendix "A" be denied on the following basis:
  - (a) The "H" Districts are generally applied to strip commercial areas located at the periphery of residential neighbourhoods. Due to the proximity of these commercial strips to residential areas, uses which may have adverse spillover effects, such as live entertainment, are not permitted. In this regard, the proposal conflicts with the intent of the Zoning By-law, with regard to the prohibition of live entertainment in the "H" (Community Shopping and Commercial, etc.) Districts;
  - (b) The proposal would be incompatible with adjacent residential uses, given the potential for adverse spillover effects (ie. excessive noise, loitering, littering, etc.); and,
  - (c) Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.
2. **Amendment to the Official Plan and Amended Zoning Application 94-03, Ivo Civitarese Et Al, owner, for a further modification to the established "E-1" District regulations, for property located at No. 180 Walnut Street South; Corktown Neighbourhood.**

A submission was received from Gail Thompson, 155 Charlton Avenue East, Apartment 801.

Paul Mallard advised that the proposed use is incompatible with existing development and that there is no provision for on-site street parking. The Planning Department supports preserving the building but not for restaurant use. He stated that the Planning Department is willing to entertain an amended application for office, art gallery or bookstore use. Of 1,099 notices circulated, 20 replied in favour and 78 were opposed. Forty-one of the 78 who were opposed were submitted by an agent at 150 Charlton Avenue.

Mr. Nick Defilipis, agent, was present on behalf of the applicant. He stated that there is no intention for altering the exterior of the building, and that the restaurant will be family style and will cater to the surrounding neighbourhood. He estimated that within 1,000 feet of the building there are 2,000-3,000 households. The restaurant will have a capacity of approximately 40-50 people and will be maintained so that it will not be disruptive to the neighbourhood.

Colin Eddy, 142 Forest Avenue, was present. He was very concerned that lack of parking is a problem. He stated that this will be aggravated if a restaurant is present.

Following brief discussion, the Committee moved to table the application so that an amended use can be brought back to the Committee. Paul Mallard added that the application will be re-circularized since there will be a proposed change in use.



3. REFERRAL FROM COUNCIL MEETING OF 1994 MARCH 29

**Zoning Application 93-47, 200 Rymal Road East Inc. (J.A. Parente) owner.**

Alderman Merling advised that a meeting has been held with himself, Alderman Anderson, the applicant and staff. The applicant requires 4-6 weeks to rework the application and come back with an amended submission.

Upon the suggestion of Alderman Merling, the Committee moved to table the matter to a meeting in June.

4. REFERRAL FROM TRANSPORT AND ENVIRONMENT COMMITTEE

**Request to consider waiving payment of Building Permit fees for construction of the Field House/Indoor Bocce Facility at Olympic Park.**

The Committee was in receipt of a report from the Building Commissioner dated 1994 April 18. Mr. Lampman advised that the Building Department is recommending exemption of fees. He explained that the City owns the building but that the building is being built with community input and donations of material and labour.

Alderman Merling was concerned with the fees and did not feel that the Building Department should be responsible for absorbing the cost.

Alderman D'Amico explained that this is a unique venture between the community and government. The City of Hamilton, West Mountain Baseball Association and the West Mountain Bocce Association are involved as well as private enterprise. He stated that if it was to be built from City funds it would cost hundreds of thousands of dollars and therefore the \$5,730. is not much money to ask for an exemption.

Mayor Morrow explained that the World Bocce Tournament is going to be held in Hamilton next year and it is dependant on a lot of support. He also explained that since it is the City's property that we should pay the building permit fees. He said the City is really getting a bargain because community labour and materials are involved.

Alderman Merling stated that he does not oppose the facility but stated that he is concerned with setting a precedent because many other facilities have been built and the building permit costs have not been forgiven. If all other organizations did the same, there would be a problem.

Following discussion a motion was placed on the floor to approve the granting of the \$5,730. exemption for building permit fees and was lost.

Subsequently, the Committee resolved that the matter be referred back to the Parks and Recreation Committee with positive endorsement and that the Parks and Recreation Committee be requested to find the money in their departmental budget, should it determine that this exemption is appropriate.

5. CITY SOLICITOR

**First Phase Civic Square Limited, Lloyd D. Jackson Square  
Application by First Place, Lessee, for approval of mortgage**



Alderman D'Amico declared an interest by virtue of his employment with the Royal Bank being affiliated with the Royal Trust Company and left the room for the remainder of the discussion.

Dave Powers stated that this is a financing request coming from Royal Trust Company. The City is granting regulatory approval.

Jim Milligan, on behalf of Jackson Square, was present. He stated that indirectly the money is from Standard Life Insurance Company, which is a U.S. company and not from Royal Trust, but Royal Trust is acting on behalf of them.

As recommended by the City Solicitor in a report dated 1994 April 19, the Committee recommended to Council as follows:

- (a) That in accordance with the provisions of the City's Ground Lease to First Phase Civic Square Limited, that the City, as Lessor, grant its approval to a Second Mortgage of the Ground Lease being made by First Phase, as borrower, to Royal Trust Corporation of Canada for 15 million dollars at an interest rate of 8.875% for a term of ten years, subject to the following conditions:
  - (i) That the Mortgage is subject to the rights of the City as Lessor under the Ground Lease dated 1970 October 30 entered into between the City as Lessor and First Phase Civic Square Limited as Lessee;
  - (ii) That the 15 million dollar Mortgage shall be a Second Mortgage in favour of Royal Trust Corporation of Canada, trustee for the Standard Life Assurance Company;
  - (iii) That Royal Trust Corporation of Canada and First Phase Civic Square Limited enter into a Consent to Mortgage Agreement with the City in the City's Standard Lloyd D. Jackson Square Mortgage Approval form;
  - (iv) That the Mayor and City Clerk be hereby authorized to execute the Consent to Mortgage Agreement in a form satisfactory to the City Solicitor. The Consent to Mortgage Agreement shall be registered on title to the premises by First Phase Civic Square Limited.
  - (v) That Royal Trust Corporation of Canada execute and deliver its Undertaking to the City to abide by the obligations of First Phase Civic Square Limited under the Hotel Interface Agreement (dated as of 1984 July 30).
- (b) That a Certificate of Compliance with the Ground Lease be issued by the City as Lessor to the Lessee's Mortgage company, the Royal Trust Corporation of Canada.

#### **6. COMMISSIONER OF PLANNING AND DEVELOPMENT**

**Site Plan control Application DA-93-40, for a 43 unit apartment complex at 1365 Limeridge Road East**

John Sakala advised that the proposal is for a six-storey apartment building which will have primarily a brick facade. The applicant is agreeable to most of the



conditions set by the City except for four brick pillars which are being suggested in the fencing. The approval of the plan is subject to all City conditions.

Antonio Di Silvestro, a resident of Ward 7 and owner of land at Upper Kenilworth and Limeridge, was present. He is the prospective owner.

Mr. Reichard, architect for the project, was present and gave a brief presentation. He stated that a number of concerns have tried to be satisfied and advised that this project has incorporated 140% of the green space that is required. The cars are placed on the outside of the street view. The area is convenient to transit. A garbage compactor is in a room at the loading area. Generally the building will be reddish/brownish brick and some decorative stucco will pick up one of the brick colours. The balconies and windows will be pre-finished, therefore no painting will be required and they will be maintenance free.

The Mayor advocated light colours to be used on the building.

In response to a question from Alderman Wilson, Mr. Reichard explained that the stucco will last approximately 20-30 years because it is made of fibreglass and is very durable. The stucco will begin at the second level of the building.

Alderman Wilson suggested that because this is a busy intersection that some berming be placed on Limeridge and Kenilworth Streets.

Alderman Charters stated that the pillars would be esthetically pleasing, but he is not pleased with the orientation of the building.

Responding to a question from Alderman Eisenberger, Mr. Reichard explained that there is not a lot of shading in the play area which faces southerly.

In response to a question from Alderman Wilson, Roland Karl advised that the applicants have made modifications to the loading dock in order to accommodate mobility of traffic.

Alderman Merling suggested that, should the application be approved, the pillars should be required and that berming should be placed along Limeridge and Kenilworth Streets. He asked what use the remainder of the property is proposed for.

Paul Mallard advised that a zoning application has been submitted for the remainder of the property and that some of it is proposed to be for single lots, but that the remainder of the use has not been established.

In response to a suggestion from Alderman Wilson, John Sakala advised that in view of extending the fence, that more shrubbery in the loading area can also act as a visual buffer and will also be more esthetically pleasing.

Following discussion, the Committee resolved to approve the application as recommended by the Commissioner of Planning and Development in a report dated 1994 April 13 as amended as follows:

That approval be given to Site Plan Control Application DA-93-40 by Urbacore Management Limited, owners of lands known as 1365 Limeridge Road East, for development of a 43 unit apartment building, subject to the following:



- (i) modification to plans in relation to notes, dimensions, grades and landscaping as marked in red on the plans;
- (ii) finalization of the subdivision agreement;
- (iii) provision of appropriate securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993;
- (iv) that the revised fence design incorporate brick pillars as marked in red on the plans; and,
- (v) that the grading and landscape plans be modified to include berms adjacent to Upper Kenilworth and Limeridge Road and shrubbery in front of the loading dock.

**\* Alderman Charters Opposed**

**6. CORRESPONDENCE (Previously Tabled)**

**Bob Harkness - Lot Grading Control with respect to Land Severance Application**

The Committee moved to further table the matter in order to invite Mr. Harkness to be present at the meeting.

**7. CONSENT AGENDA**

**A Adoption of the Minutes**

The minutes of the Planning and Development Committee meeting held 1994 April 6 were approved as circulated.

**THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:**

**B DIRECTOR OF PROPERTY**

**Inclusion of City owned lands (Part of 1477 Upper James Street) in Land Titles and Rezoning Application by 90074 Ontario Inc. dated 1994 April 7:**

That 90074 Ontario Inc. (Terry Yates, President) be authorized to include the City owned lands located on the northerly limit of Regina Drive, being part of 1477 Upper James Street, Hamilton, more specifically designated as Parts 1 and 4 on Plan 62R-12942, in their application for the rezoning of their own lands and registration of the same lands into the Land Titles System.

**C MANAGER OF PURCHASING**

**Final Lot Grading and Sodding, various subdivisions during 1994 dated 1994 April 11:**

That a purchase order be issued to Oakridge Landscape Contractors Ltd., Hamilton, to provide final lot grading and sodding as and when required during 1994 in various subdivisions, being the lowest of five quotations received in accordance with



specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivisions Account No. PR53700090.

**D     SENIOR DIRECTOR, ROADS DEPARTMENT**

**"Wisemount Estates - Phase 4", Hamilton- cash in lieu of 5% Parkland Dedication dated 1994 April 8:**

That the City of Hamilton accept the sum of \$5,520. as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 4, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Wisemount Estates - Phase 4 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

**E.     BUILDING COMMISSIONER**

**(a)     Hamilton Emergency Loan Programme, 25 Oxford Street dated 1994 April 8:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and twenty-one dollars (\$321.) be approved for Maria Sousa, 25 Oxford Street, Hamilton. The interest rate will be 8% amortized over two years.

**(b)     Demolition of 88 Ward Avenue dated 1994 April 12:**

That the Building Commissioner be authorized to issue a demolition permit for 88 Ward Avenue.

**F     COMMISSIONER OF PLANNING AND DEVELOPMENT**

**(a)     City of Hamilton Response - Recommendations of Minister of Environment and Energy on Niagara Escarpment Plan 5 Year Review dated 1994 April 11:**

**(a)**     That the Minister of Environment and Energy's recommendations on the Niagara Escarpment Plan 5 Year Review be endorsed with the exception of the Recommendation 5.2.5.1. which prohibits municipal official plans from including more restrictive policies in their plans than those of the Niagara Escarpment Plan.

**(b)**     That the City of Hamilton supports the Niagara Escarpment Commission's Amendment to the Niagara Escarpment Plan and the Hearing Officers endorsement of the Amendment to allow municipalities to include more restrictive policies in their official plans provided they do not conflict with the intent of the Niagara Escarpment Plan (NEP);

**(c)**     That the City Clerk be requested to forward City Council's decision and the Committee report to the Clerk of the Executive Council.

**(b)     Site Plan Control Application DA94-02, to modify the layout of an existing parking area at the rear of 1605 Main Street East.**



As recommended by the Commissioner of Planning and Development in a report dated 1994 April 8, the Committee approved the following:

That approval be given to Site Plan Control Application DA94-02, by Unicare Inc., owner of property located at No. 1605 Main Street East to modify the parking layout of an existing parking area in accordance with the decision of the Ontario Municipal Board and that the appropriate agreements and security be provided for the revised parking layout.

\* Alderman Wilson and Alderman Kiss opposed.

**G SECRETARY OF PLANNING AND DEVELOPMENT COMMITTEE**

**Information Items**

As recommended in a report dated 1994 April 13, the Committee moved to receive for information purposes the following items which were previously forwarded to the members of the Committee under separate cover:

- (a) City Solicitor, City of Hamilton Bill Pr24 - Penalties/Fines for By-law Infractions to the City dated 1994 April 7.
- (b) Regional Clerk's Office, Hamilton Official Plan Amendment 80, Judicial Review Application dated 1994 April 7.
- (c) City Solicitor, Niagara Escarpment Plan Review Hearing Report of the Minister of Environment and Energy dated 1994 April 8.

**8. OTHER BUSINESS**

- (a) The Mayor requested and received concurrence from the Committee to direct the Public Works staff through a memo to investigate the use of surplus flowers for floral planters in the James Street North area.
- (b) The Mayor suggested and received the concurrence from the Committee to forward a memo to the Public Works Department requesting that the possibility of having hanging baskets in the downtown area along both sides of King Street be investigated with the co-operation of the B.I.A.
- (c) The Mayor advised that he would like placed on the next agenda for the Planning and Development Committee an item on the Gore Park area and that he will have a representative from the Downtown Promenade B.I.A. present to speak on the matter.
- (d) The Mayor suggested and received concurrence from the Committee to forward a memo to the Public Works Department with regards to early sidewalk and Spring street cleaning.
- (e) The Mayor advised that he is encouraging the Province to purchase the Foster Building for use jointly with the Court House.
- (f) With regard to the United Nations University, the Mayor advised that he is working in co-operation with the President of McMaster University to locate this in the downtown core.



- (g) Alderman Charters introduced a motion with regard to a potential restaurant site.

The Committee resolved that the Director of Planning be requested to prepare a report for the Planning and Development Committee regarding a potential site in the Albion Falls neighbourhood, on the escarpment, for a restaurant.

9. ADJOURNMENT

There being no further business the Committee meeting adjourned.

Taken as read and approved.

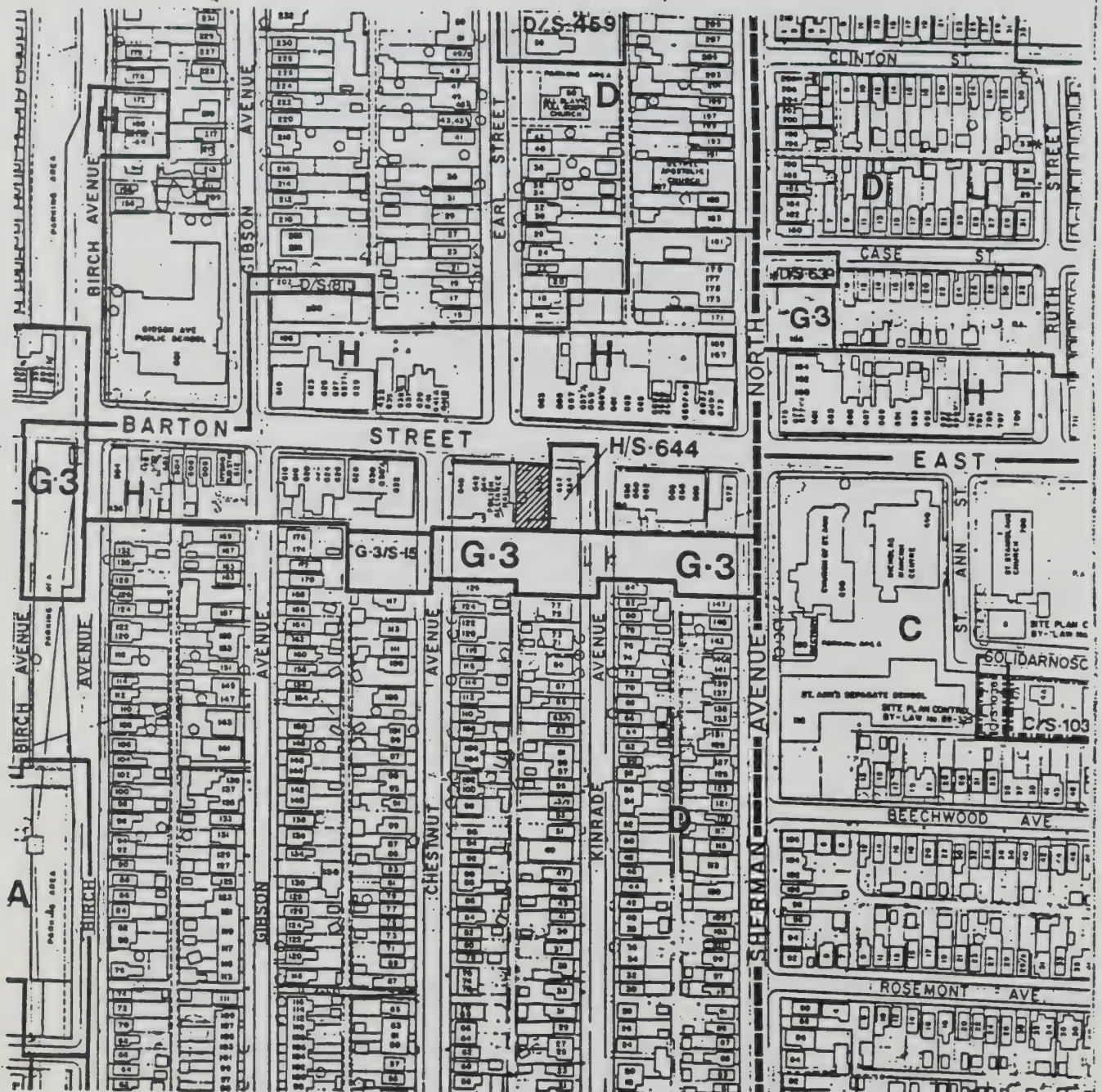
Alderman F. Eisenberger  
Vice-Chairperson  
Planning and Development Committee

Tina Agnello  
Secretary  
Planning and Development Committee

/jt



APPENDIX "A" TO ITEM 1 OF  
THE PLANNING & DEVELOPMENT  
COMMITTEE MINUTES OF  
1994 APRIL 20.



Legend



Site of the Application



ZAR-94-05



B

# CITY OF HAMILTON

## - RECOMMENDATION -

APR 26 1994

**DATE:** 25 April 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Joy Dubbeld, Acting Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** Veevers Home, 22 Veevers Drive -  
Designation Recommendation

### RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" the **Veevers Home** at 22 *Veevers Drive* as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and;
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

### BACKGROUND:

1. In response to the news that the City had just gained full possession and use of the Veevers Brothers' estate, following the death of Bertram Veevers in August 1993, LACAC recommended at its meeting held 12 September 1993 that the Veevers Home be designated under the Ontario Heritage Act and that staff be directed to prepare the Reasons for Designation. The Property Department and the Public Works Department have been advised of LACAC's intent to forward a designation recommendation to Council, with a request for their comments. Both Departments have advised that they have no objections to the proposed designation. Designation does not affect the use of the building.
2. In 1984, the owners of the property, Ronald and Bertram Veevers, generously offered to



donate to the City of Hamilton their 1850s stone farmhouse and 1.5 acre garden plus an additional 10.5 acres of undeveloped natural landscape running up the escarpment. The Donation Agreement was signed August 13, 1985.

3. Map and photographs attached (Appendix "B").

cc: Dan Vyce, Director, Property Department  
Doug Lobo, Director, Public Works Department; Attn: B. Chrystian  
Patrice Noe Johnson, City Solicitor  
Victor Abraham, Director of Local Planning  
Nina Chapple, Planning Department



## REASONS FOR DESIGNATION

### **The Veevers Home** 22 Veevers Drive, Hamilton

#### Context

The former home of Ronald and Bertram Veevers, generously donated by the two brothers to the City of Hamilton in 1985, comprises an enlarged 1850s stone farmhouse and attractive 1.5 acre garden situated near the base of the escarpment just east of the Red Hill Creek Valley. The subdivision of the original 200-acre farm in the 1960s and early 1970s reduced the Veevers property to a total of 12 acres, including a separate 10.5 acre parcel of undeveloped escarpment land.

Up until the 1950s, the farmhouse stood in its original form atop a hill surrounded by rolling pastures, woodland and orchards. Landscaping around the house, largely completed in the 1950s and 1960s, created a parklike setting of special horticultural interest featuring lawns with alleys of trees, rose and tulip beds, and a rockery. Now enclosed by a high iron fence, this garden oasis effectively buffers the house from the engulfing 20th century suburban development, dominated by single-family homes to the north and east and high-rise apartments to the west.

#### History

Today the Veevers Home stands as a vestige from the pioneer farming era, dating back to the early settlement of Saltfleet Township, when it was closely associated with two important pioneer families: the Deans and the Gages. The original 200-acre crown grant to John Thatcher was purchased in 1834 by James Dean, who erected the present stone farmhouse between 1851 and 1861. Sold in 1871 to John Gage, the house and farm remained in his possession until 1912. The property then changed hands three more times before it was purchased in 1934 by Ronald, Bertram, Cyril and Raymond Veevers and occupied by all eight members of the Veevers family.



The Veevers brothers ran a large and successful fruit and dairy farm, raising a sizable herd of Holstein cattle, and up to the 1940s operated their own dairy. Farming activities were subsequently scaled down and only the two elder brothers, Ronald and Bertram, remained on the farm. The surplus land was sold for development and the last 12 acres, including the farmhouse and 1.5 acre garden, was deeded to the City of Hamilton for public use. The two brothers retained the use of the house and garden until the death of the last surviving brother in 1993.

### Architecture

This 1 1/2 storey house, built of rough-hewn stone quarried from the escarpment, is a relatively rare example of a pre-Confederation stone farmhouse in the Hamilton area and, in its original form, a very good example of its type. It has the fine masonrywork, wide horizontal proportions and restrained ornamentation characteristic of early settlers' houses dating from the 1820s through the 1850s. The well-proportioned, symmetrical five-bay facade originally featured a wide doorway with a panelled wood door and sidelights, and a somewhat unusual row of low square, upper storey windows. As a result of extensive renovations undertaken in 1968, these square windows were replaced by higher and taller dormers and the doorway was modified. Despite these alterations and two modern additions, the house is in excellent condition and retains much of its original character, at least on the exterior.

### Designated Features

Important to the preservation of 22 Veevers Drive are the original features of all four facades of the 1850s farmhouse, including the stone masonry walls, end chimneys, flat-arched lintels and solid stone sills, the denticulated returned eaves, and the original door and window openings. Excluded are the two-storey wing and garage added to the rear (south-east corner), the glass conservatory (rear), and the modern front door and dormer windows.



## The Veevers Home

The stone farmhouse as it appeared in its original form and farm setting.



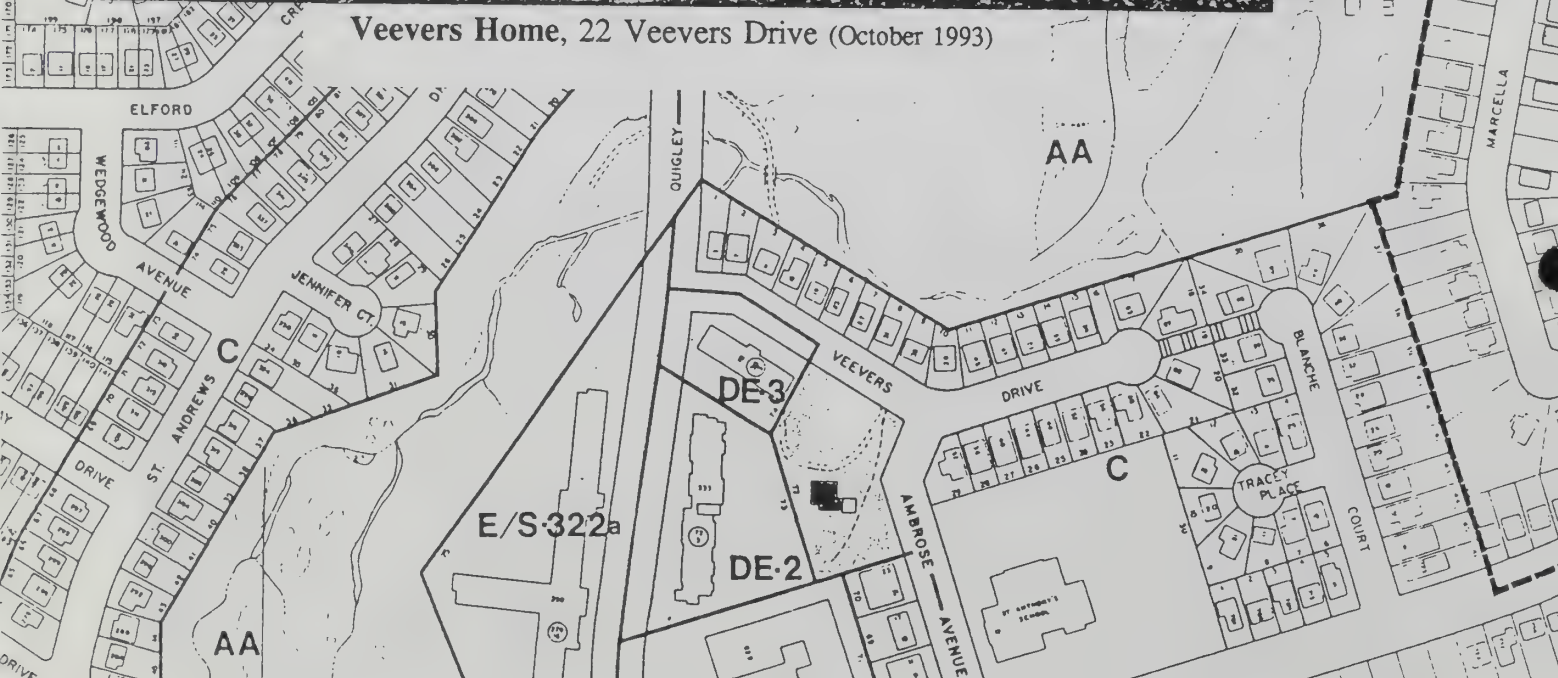
1950s view of farmhouse with recently completed landscaping, including the flagstone steps and low stone retaining walls.



305



Veevers Home, 22 Veevers Drive (October 1993)



32	32	55
113	132	47
90		

This is not a Legal Document  
For Zoning Verification Please  
Contact City Building Department.

CITY OF HAMILTON

VINCENT

ZONING

Neighbourhood Boundary  
Zoning Boundary.

0 100m  
SCALE 50m



Prepared for The City of Hamilton  
by the Planning and Development Department  
of The Regional Municipality of Hamilton Wentworth

PLANNING  
UNIT NO  
6402

JANUARY 1990

PAGE NO

132



CITY OF HAMILTON

- RECOMMENDATION -

APR 25 1994

**DATE:** 1994 April 22  
S703-87, M.J. Inrig

**REPORT TO:** T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. E. M. Gill, P.Eng.  
Senior Director  
Roads Department

**SUBJECT:** "Claudette Gardens - Phase 5", Hamilton  
(Cash in Lieu of 5% Parkland Dedication)

**RECOMMENDATION:**

- a) That the City of Hamilton accept the sum of \$20,770.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 5", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

The lands of "Claudette Gardens - Phase 5" are located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood.

  
\_\_\_\_\_  
E.M. Gill, P.Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financial costs to the City associated with this report.

**BACKGROUND:**

The Owner of "Claudette Gardens - Phase 5" (800064 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan has been attached for your information.

Cont'd.....



-Page 2-  
1994 April 22

**"Claudette Gardens - Phase 5", Hamilton  
(Cash in Lieu of 5% Parkland Dedication)**

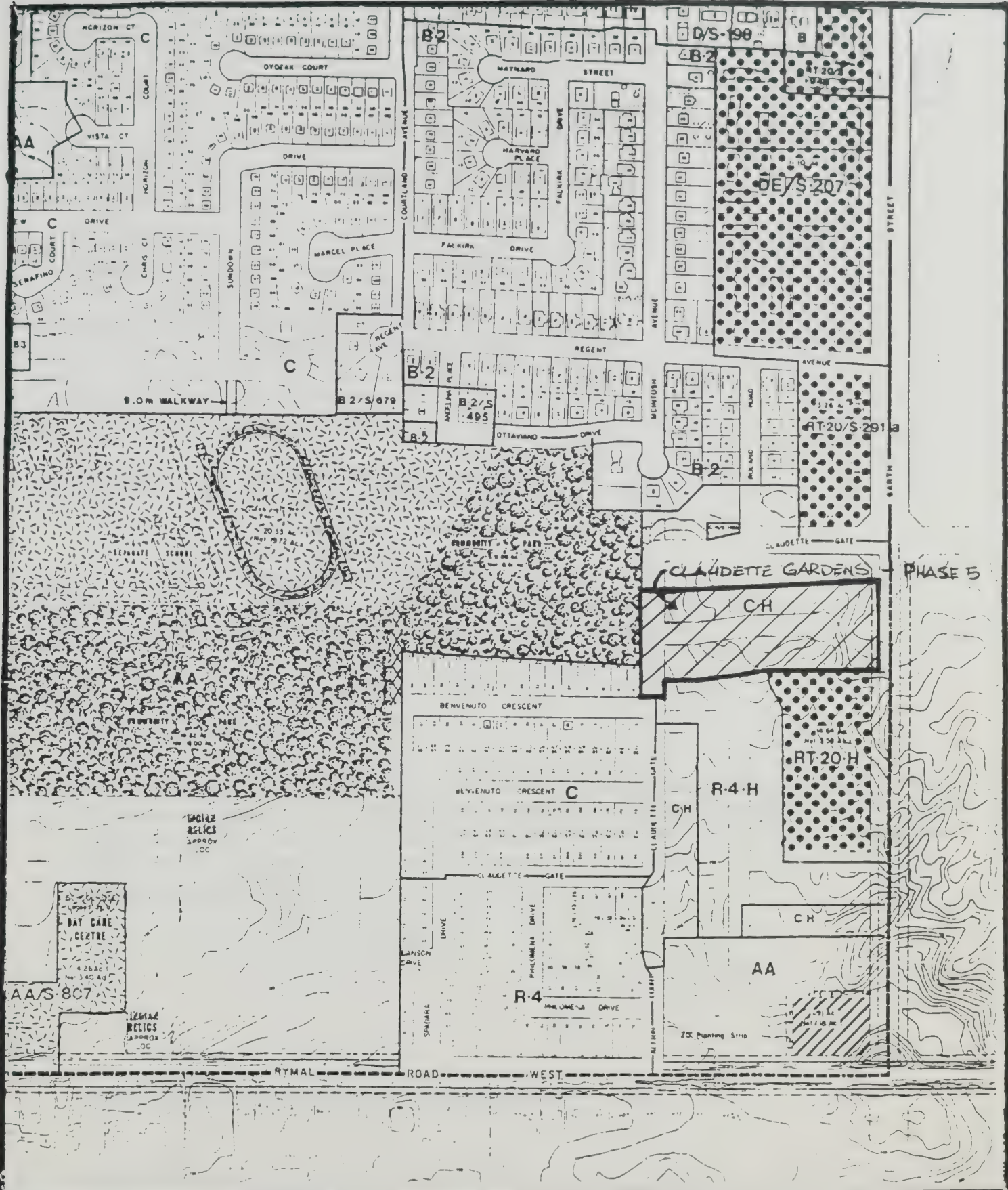
Cont'd.....

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is \$20,770.00.

*M*/MJJ

cc: D. Cobb, City Treasury Department  
cc: R. Buckle, City Property Department





KEY PLAN

NTS

FALKIRK EAST

APPROVED PLAN









D.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 26 1994

**DATE:** 1994 April 26

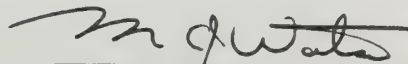
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** D. W. Vyce  
Director of Property

**SUBJECT:** Release of Building Covenants  
City Sale to 609892 Ontario Limited  
1060-1088 Rymal Road East being  
Lot 9 and Block 16, Plan M-352  
Hamilton Mountain Industrial Park No. 3  
Construction Covenants as Contained in  
Instrument Nos. 186944 L.T. and 186945 L.T.

**RECOMMENDATION:**

That the Mayor and City Clerk be authorized and directed to execute the necessary documents to release the property at 1060-1088 Rymal Road East, Hamilton, known as Lot 9 and Block 16, Plan M-352, Hamilton Industrial Park No. 3, from the construction covenants to the City as contained in Instrument Nos. 186944 L.T. and 186945 L.T. registered on 1986 October 8.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

In adopting Item 26 of the 11th Report of the Planning and Development Committee, City Council on 1986 May 27 approved the sale of Lot 9 and Block 16, Plan M-352, Hamilton Mountain Industrial Park No. 3 to 609892 Ontario Limited.



1994 April 26  
Planning and Development Committee  
Page 2

This transaction was completed on 1986 September 8, and registered under Instrument Nos. 186944 L.T. and 186945 L.T. on 1986 October 8.

The requirements as noted in the construction covenants under Instrument Nos. 186944 L.T. and 186945 L.T. have been met and this department supports the request of the owners for a release of these covenants in order to clear the title.

DJC/nw  
Attach.

c.c. P. Noé Johnson, City Solicitor, Law Department











E.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 April 26

APR 26 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

**SUBJECT:** Downtown Action Plan - Phase IV  
Sixth Annual Business Development Seminar

**RECOMMENDATION:**

- a) That \$10,000. be provided for the Sixth Annual Business Development Seminar that is being held on 1994 October 26, from Phase IV of the Downtown Action Plan Account Number CF 5200-428803000.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funds are available within Phase IV of the Downtown Action Plan Account Number CF 5000-428803000. The balance in the Account once the \$10,000. has been committed will be \$242,884.93. The 1993 Seminar, with sponsorship dollars raised from the local community, was held at no cost to the City of Hamilton.

**BACKGROUND:**

The Business Development Seminar was first held in October 1989 as part of Phase IV of the Downtown Action Plan. The need for an educational seminar for local businesses was determined to be a requirement for sustaining a healthy core community by the Downtown Action Plan Phase IV Consultants, Moorhead Fleming Corban & McCarthy which Plan was approved by City Council at its meeting held 1986 August 26.

*J. Lobo*



The Seminar is co-ordinated through efforts of the City of Hamilton, the Regional Municipality of Hamilton-Wentworth, Hamilton's B.I.A.'s, Ontario Skills Development, the Federal Business Development Bank and other community volunteers. Since its inception in 1989 it has proved to be a successful seminar and, business and corporate sponsorship has grown steadily over the years.

The future objective of the Business Development Seminar is for the Seminar to develop into a financially self sufficient event. In a recent review of the revenues and expenditures for the 1993 Seminar by the Committee, it was determined that the Seminar ran at a deficit of \$2,640.84. The Business Development Seminar Committee, while keeping in mind the objective of educating the small business merchant at a nominal fee, are reviewing the cost to the delegates with a view to possibly increasing registration fees. The Committee has also agreed that should the 1994 Seminar not break even the Committee and staff will seriously look at whether the Seminar should be continued.

HM:hm

c.c. Mary Pocius, Chairperson  
Business Development Seminar

Alderman Wm. McCulloch, Chairperson  
Downtown Action Plan Co-ordinating Committee

Alan Ross, City Treasurer  
Treasury Department  
Attention: Brian Hill



Fa)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 April 27  
(File No. 25CDM-94001)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee


**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

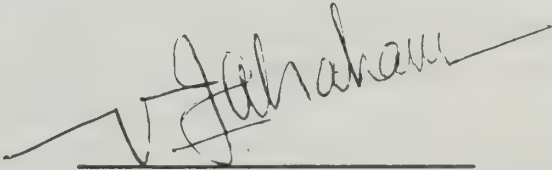
**SUBJECT:** Proposed Draft Plan of Condominium  
"Bayberry Village"

APR 27 1994

**RECOMMENDATION:**

- A. That approval be given to application 25CDM-94001, Tommar Construction Co. Limited, owner, to establish a draft plan of condominium located at 2774 King Street East at Greenhill Avenue, subject to the following condition:
- (a) That this approval apply to the plan prepared by S.D. McLaren, O.L.S., (A. T. McLaren Limited), dated 1994 February 24, and revised in red, showing 43 residential townhouse units; and,
  - (b) That the owner satisfy all outstanding requirements under Site Plan Application DA-94-04 to the satisfaction of the City of Hamilton prior to registration of the Final Plan of Condominium;
- B. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

  
\_\_\_\_\_  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department

  
\_\_\_\_\_  
V. J. Abraham, M.C.I.P.  
Director  
Local Planning Branch



## **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

### Proposal:

The owner is proposing to construct a 43 unit condominium townhouse project on a phased basis.

### Location:

The property is located at 2774 King Street East at Greenhill Avenue, in the Gershome Neighbourhood (location plans attached as Appendix 1 and 2).

### **Existing Development Control:**

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal would comply.

Hamilton Official Plan - the lands are designated "Commercial". A redesignation from "Commercial" to "Residential" is required and will be undertaken as part of the next housekeeping amendment.

Neighbourhood Plan - the lands are designated "Commercial" with special provisions related to commercial development. However, since the lands are being developed for residential purposes, these provisions would not apply. A neighbourhood plan designation change will be undertaken to reflect the residential use during the next update of the Approved Gershome Neighbourhood Plan.

Zoning - the lands are zoned "G" (Neighbourhood Shopping Centre) District modified. As a result of a change in the zoning by-law, residential townhouses are no longer permitted in a "G" District. However, in this instance, townhouses were permitted at the time of the issuance of the building permit.

Niagara Escarpment Plan - the lands are not located within the Development Control Areas.

### **Comments from Circulation:**

While there were no objections received as a result of the circulation, the Building and Traffic Departments have advised that their concerns have been adequately addressed through the Site Plan approval process.



The Roads Department has provided the following comments:

"FOR INFORMATION

*There is a storm sewer available on King Street East of sufficient size and capacity to service this development directly.*

*There is a sanitary sewer available on King Street East of sufficient size and capacity to service this development directly.*

*There is a watermain of sufficient size and capacity available on King Street East and Greenhill Avenue to service this development directly.*

*The Hamilton Street and Railway have responded to our request for comments for this development. Their office has requested paved pedestrian access at the west end of this development and along Greenhill as indicated on the Approved Site Plan.*

*There are no road widenings required on King Street East or Greenhill Avenue.*

RECOMMENDATIONS

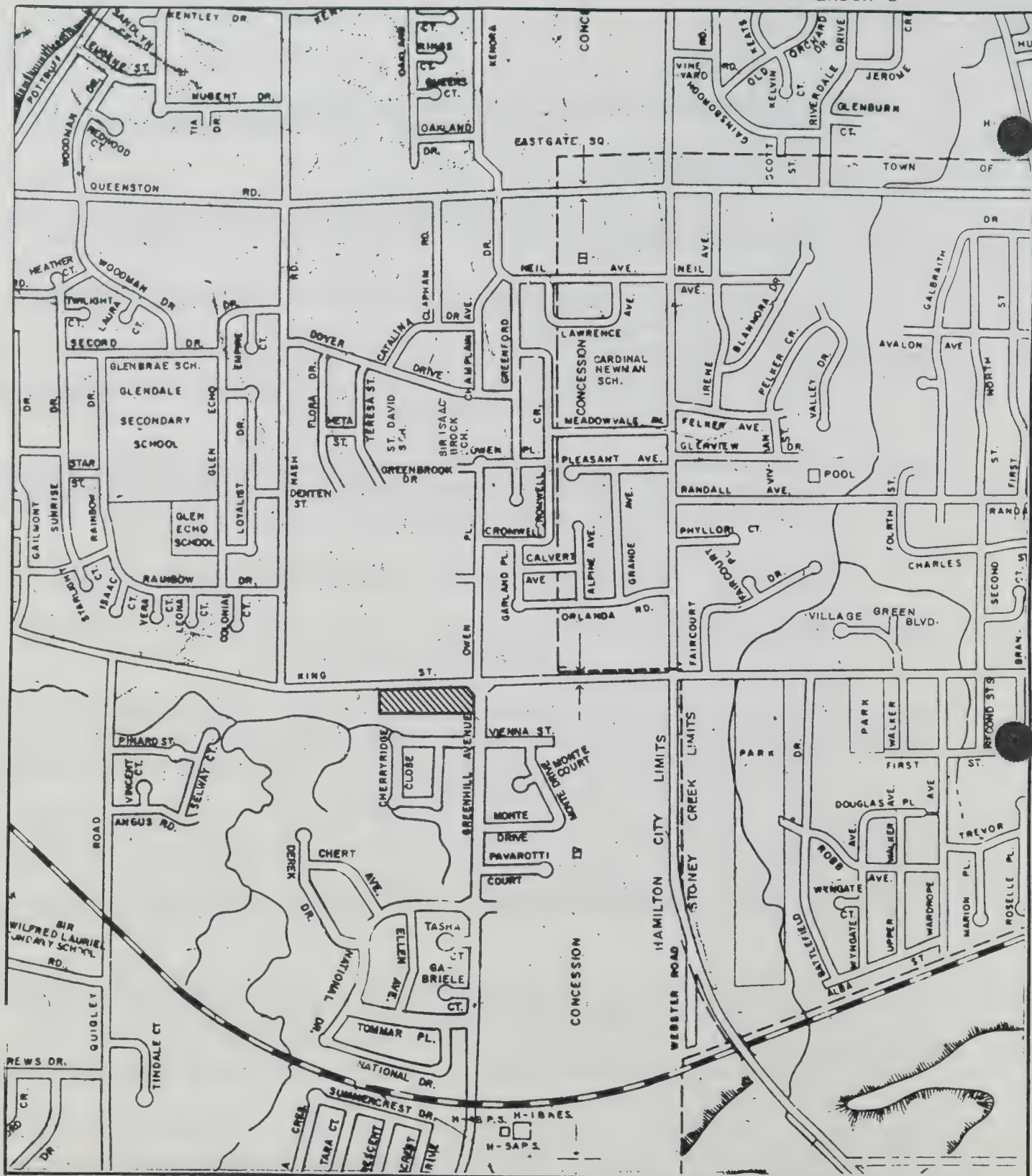
*None*

*The submitted plan as prepared by S.D. McLaren, O.L.S. and dated February 24, 1994, is satisfactory to the Transportation/Environmental Services Group, Roads Department, subject to the above-noted comments and recommendations."*

**COMMENT:**

- (1) The proposal complies with the Official Plan, Neighbourhood Plan, and the Zoning By-law.
- (2) A minor revision in red is required to realign the division line between Phases 1 and 2 to place the visitor parking space within Phase 1.
- (3) This application is related to Site Plan Control application DA-94-04 which was approved on April 11, 1994, subject to various modifications.
- (4) To ensure that the condominium plan is in strict conformity with the site plan, a condition of draft approval requiring the owner to satisfy all outstanding requirements under Site Plan Application DA-94-04 to the satisfaction of the City of Hamilton prior to registration of the Final Plan of Condominium would be appropriate.





DRAFT PLAN OF  
**BAYBERRY VILLAGE**

BEING A PROPOSED  
CONDOMINIUM PROJECT OF

BLOCK 36, PLAN 62M-480

AND

BLOCK 15, PLAN 62M-494

IN THE

**CITY OF HAMILTON**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale

N. T. S.

Date

MAR. 1994

Reference File No.

25CDM-94001

Drawing No.



DRAFT PLAN OF  
**BAYBERRY VILLAGE**  
BLOCK 36, PLAN 62M-480  
BLOCK 15, PLAN 62M-494  
**CITY OF HAMILTON**  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH

S.D. MCGILVER, O.L.S. - 12-7

NOTE

METRIC NOTE

SURVEYOR'S CERTIFICATE

OWNER'S AUTHORIZATION

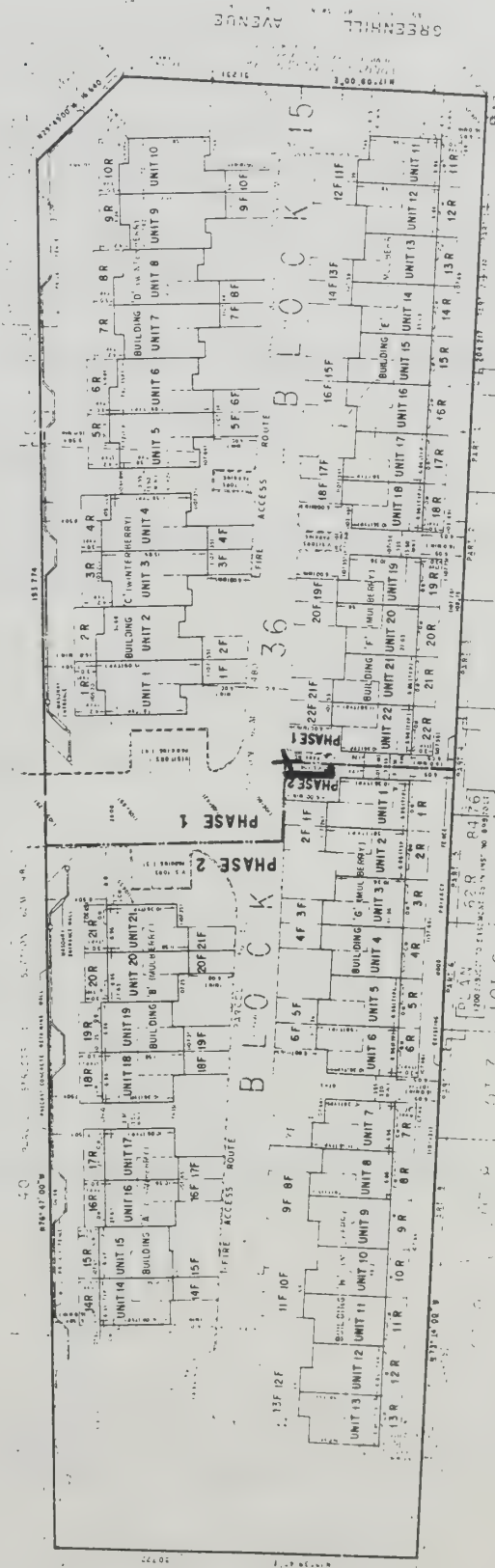
SECTION 50 (2) PLANNING ACT - 1983

SCHEDULE

AT HAMILTON LIMITED



KING STREET EAST  
ACCESS BETWEEN



PLAN  
62M-494

480

PLAN  
62M-480

NOTE

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON ZONING BY-LAW AND THE CITY OF HAMILTON DEVELOPMENT ACT.  
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.  
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.  
5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.  
6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS.  
7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS.  
8. THE DEVELOPER SHALL MAINTAIN ALL EXISTING PAVEMENT AND CURBS.  
9. THE DEVELOPER SHALL MAINTAIN ALL EXISTING DRAINAGE AND EROSION CONTROL MEASURES.  
10. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.







F61

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 27 1994

**DATE:** 1994 April 19  
(P5-2-92)

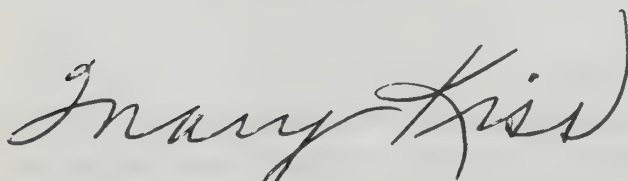
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Kirkendall/Chedoke Modified Neighbourhood Plan  
Review Committee

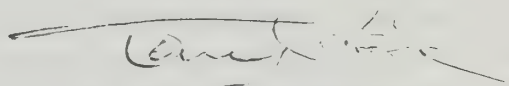
**SUBJECT:** Kirkendall/Chedoke Modified Neighbourhood Plan Review

**RECOMMENDATIONS:**

- A) That no additional changes be made to the approved Kirkendall North Neighbourhood Plan, at this time; and,
- B) That the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee has fulfilled its mandate and therefore, should officially be disbanded. However, the group should be encouraged to meet on an informal basis, with staff to attend as required and to address specific issues.



**Alderman Mary Kiss**  
**Co-Chairperson**  
**Ward 1**



**Alderman Terry Cooke**  
**Co-Chairperson**  
**Ward 1**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- On April 24, 1991, the Planning and Development Committee approved the formation of a 12 member Committee consisting of the Ward Aldermen, citizens and landowners in the Kirkendall/Chedoke Neighbourhoods. The purpose of the Committee was to



undertake a modified Neighbourhood Plan Review, to review specific sites within the Neighbourhoods. The sites included the former Lapp property, Camco and C.P. lands, and the Mr. Grocer site.

The Committee met 13 times between June and December 1991. Their first task was to develop a Neighbourhood Plan for the Chedoke Neighbourhood because of the impending OMB hearing for the Lapp site. Once the Chedoke Neighbourhood Plan was completed, the Committee agreed to suspend future meetings to deal with the remaining sites until the OMB hearing was finished.

- On January 22, 1992, the Planning and Development Committee approved the Chedoke Neighbourhood Plan and it was subsequently approved by City Council on January 28, 1992.
- On February 24, 1992, the OMB hearing commenced. As a result of additional information coming forward before the hearing, it was postponed until June 15, 1992. Due to the complexity of the hearing, it lasted until November 4, 1992.
- On February 25, 1993, the Committee resumed the meetings to discuss the outstanding issues. It was agreed that once these "planning issues" had been dealt with then the Committee, in its present form, would disband.
- Six meetings were held between February 25, 1993 and October 21, 1993. A number of issues were discussed including the individual sites, the numerous traffic problems, play lot development, and the gun shop.

## SITE ANALYSIS:

The remaining sites to be evaluated are located in the Kirkendall North Neighbourhood. They include: Mr Grocer, Camco lands, Rothwell Property, C.P. lands, the vacant parcel on the west side of Locke between Jackson and Canada Streets and the designated park site on Chatham Street (see attached map).

### 1) Mr. Grocer Site

- Designations:

Official Plan  
Neighbourhood Plan  
Zoning

Commercial  
Commercial  
"H" (Community Shopping and Commercial, etc.)  
District - eastern half (building)

"G-1" (Designed Shopping Centre) District - western  
half (parking lot)



- Analysis

The Committee prepared extensive land use guidelines including goals and development criteria for the subject site as well as the preferred land use. These guidelines will provide background for the evaluation of development proposals for the Planning and Development Department. The Committee agreed the land use designations remain unchanged since future redevelopment of the site could take several different forms.

- Recommendation

The site remain COMMERCIAL in the approved Kirkendall North Neighbourhood Plan.

## 2) Camco, Rothwell and C.P. lands

- Designations:

Official Plan	Industrial
Neighbourhood Plan	Industrial
Zoning	"K" (Heavy Industrial) District

- Analysis

The Committee agreed that no studies or redesignations be undertaken for these lands since the area is industrial and will remain industrial for the foreseeable future.

- Recommendation

The sites remain INDUSTRIAL in the approved Kirkendall North Neighbourhood Plan.

## 3) Vacant Lands on the west side of Locke Street between Canada and Jackson Streets

- Designations

Official Plan	Commercial
Neighbourhood Plan	Commercial
Zoning	"H" (Community Shopping and Commercial, etc.) District



- Analysis

A number of discussions centred around this site given the extensive work being undertaken to remove old fuel tanks.

Consideration was given to using this site as a potential parking lot, either private or public, especially since there is an expressed need for additional parking in the area from local businesses. However, the Locke Street merchants and municipal staff feel it is too far away from the Locke Street businesses.

- Recommendation

The site remain designated COMMERCIAL in the Kirkendall North approved Neighbourhood Plan.

#### 4) Land on the south side of Chatham Street, west of Dundurn Street

- Designations:

Official Plan	Open Space
Neighbourhood Plan	Park and Recreational
Zoning	"D (Urban Protected residential - One and Two Family Dwellings, Townhouses, etc.) District

- Analysis

The Kirkendall North Neighbourhood Plan designated these lands for "Park and Recreational" in 1974. The basis for the designation was "*to increase the amount of usable Neighbourhood Park Open Space*". The intent was for the City to acquire this parcel of land; however, it still remains in the ownership of the Board of Education. No further discussion took place on this site.

- Recommendation

The site remain PARK AND RECREATIONAL in the Kirkendall North Approved Neighbourhood Plan.



## ROLE OF THE COMMITTEE

As stated, the establishment of the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee was approved by the Planning and Development Committee on April 25, 1991, and City Council on May 1, 1991. Its mandate was to undertake a modified Neighbourhood Plan Review, to review specific sites within the Neighbourhoods. The sites included the former Lapp property, Camco and C.P. lands, and the Mr. Grocer site.

Since the Committee has fulfilled its mandate by preparing a Neighbourhood Plan for the Chedoke Neighbourhood and reviewing the land use on the above noted sites, it is appropriate to bring a formal resolution to Committee and Council to disband it. At its last meeting on October 21, 1993, the Committee agreed it will meet on an informal basis, without the need for staff support.

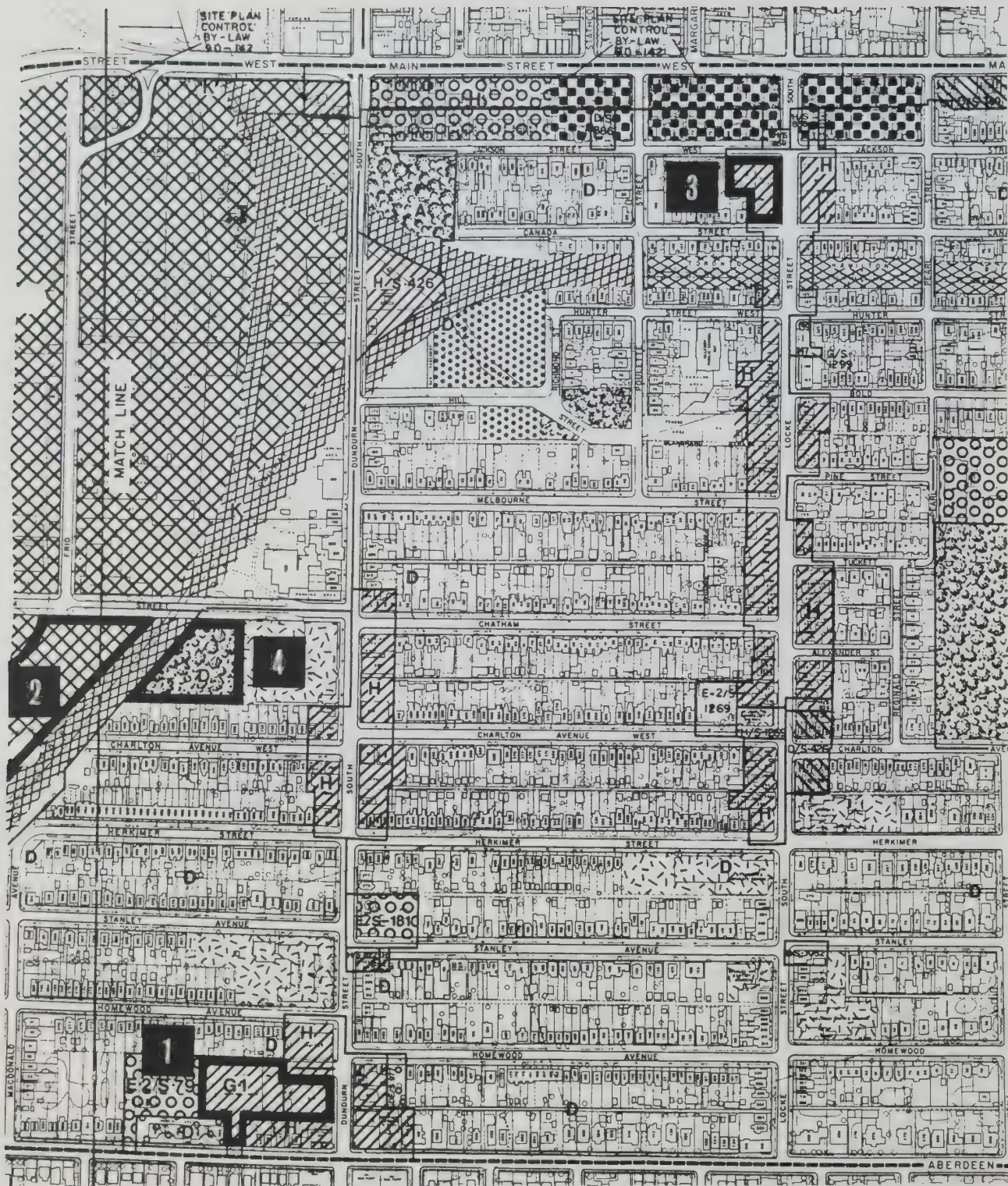
## CONCLUSION:

Based on the foregoing, the following actions are recommended:

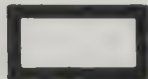
- A) That no additional changes be made to the approved Kirkendall North Neighbourhood Plan, at this time; and,
- B) That the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee has fulfilled its mandate and therefore, should officially be disbanded. However, the group should be encouraged to meet on an informal basis, with staff to attend as required and to address specific issues.

JHE/VG





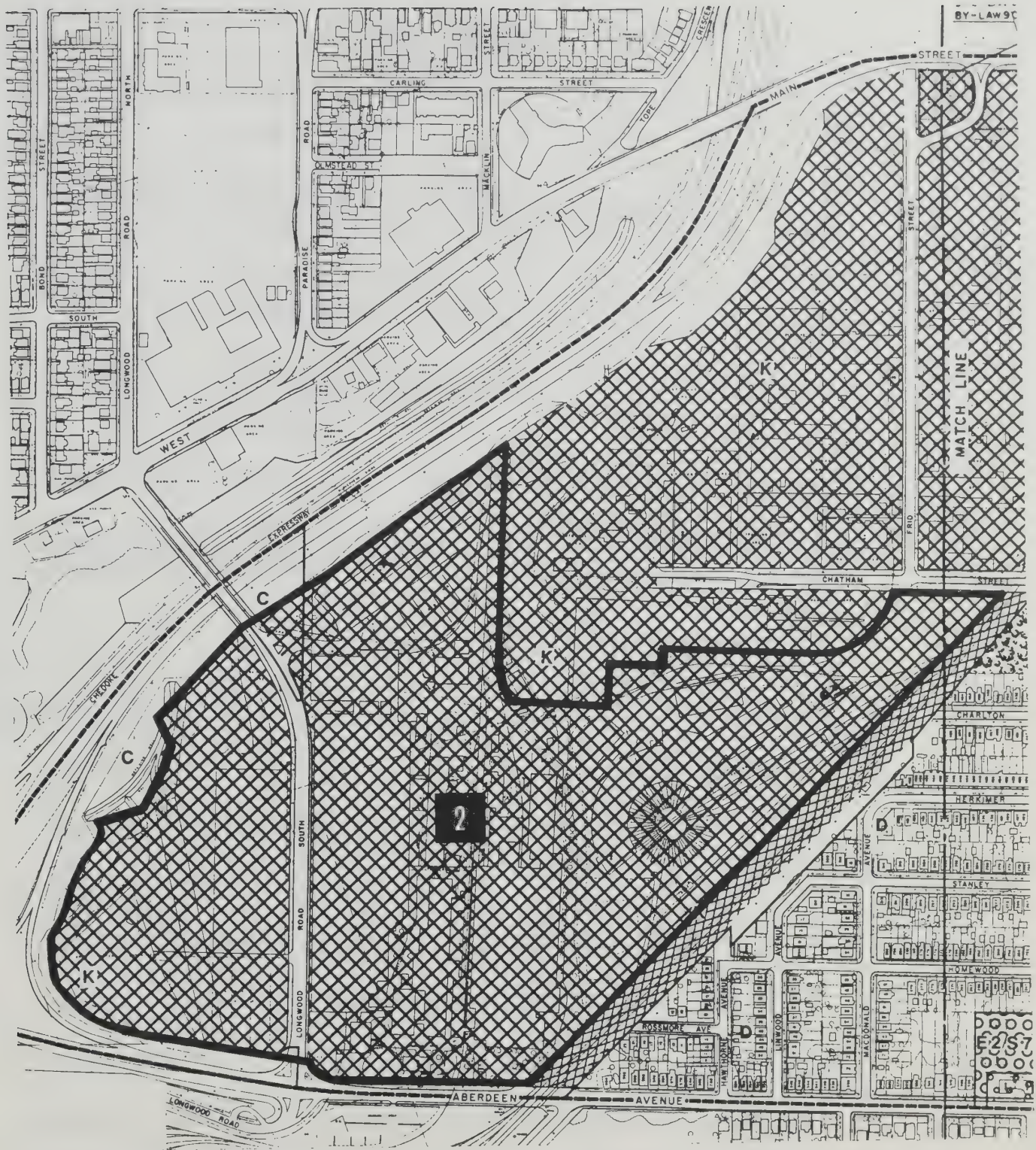
# APPROVED KIRKENDALL NORTH NEIGHBOURHOOD PLAN



SITES UNDER REVIEW

P5-2-92






# APPROVED KIRKENDALL NORTH NEIGHBOURHOOD PLAN



SITE UNDER REVIEW

  
 P5-2-92







Gali)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** April 26, 1994

APR 26 1994

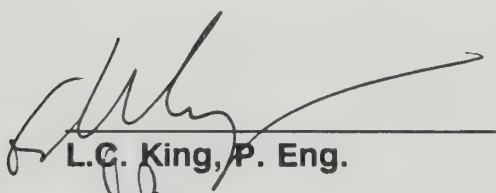
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**772 WEST 5TH STREET**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**772 WEST 5TH STREET.**

  
\_\_\_\_\_  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C & AA Residential & Agriculture

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Freeway

**BRIEF DESCRIPTION:** 1 storey wood frame house and garage

Demolish building to clear the land for the freeway. No LACAC interest. Lot size 65' x 220'

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth







Galii)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

APR 26 1994

**DATE:** April 26, 1994

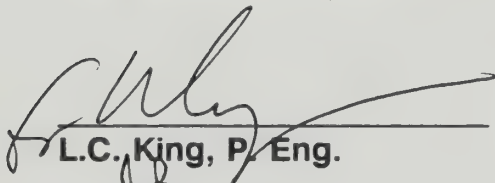
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**788 WEST 5TH STREET**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**788 WEST 5TH STREET.**

  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C & AA Residential & Agriculture

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Freeway

**BRIEF DESCRIPTION:** 1½ storey brick veneer house and attached garage.

Demolish the building to clear the land for the Freeway. No LACAC interest. No lot size available.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth







Ga)iii)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 26 1994

**DATE:** April 26, 1994

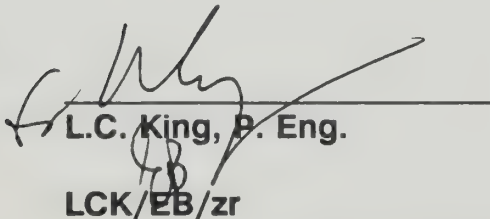
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**1790 MAIN STREET WEST - Tag Number 91713**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**1790 MAIN STREET WEST.**

  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** E/S-1113a Multiple Dwellings

**PRESENT USE:** Vacant Single Family Dwellings

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** 2 storey wood frame stucco dwelling

Demolish building to clear land. The house has been vacant for over 3 years and is in poor condition. No LACAC interest.

The owner of the property as per the demolition permit is:

Agent: The Provincial Liquidator







CITY OF HAMILTON

Galiv)

- RECOMMENDATION -

APR 26 1994

**DATE:** April 26, 1994

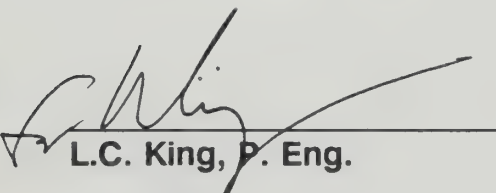
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**1796 MAIN STREET WEST - Tag Number 91714**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**1796 MAIN STREET WEST.**

  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** E/S-1113a Multiple Dwellings

**PRESENT USE:** Vacant Single Family Dwelling

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** 1 storey wood frame dwelling

Demolish building to clear land. The house has been vacant for over 3 years and is in poor condition. No LACAC interest.

The owner of the property as per the demolition permit is:

Agent: The Provincial Liquidator







Galy)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 26 1994

**DATE:** April 26, 1994

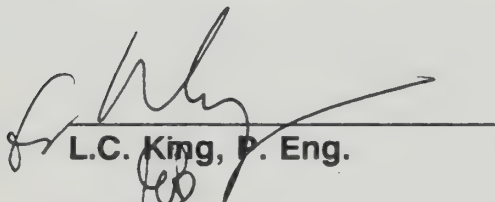
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**1812 MAIN STREET WEST - Tag Number 91712**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**1812 MAIN STREET WEST.**

  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** E/S-1113a Multiple Dwellings

**PRESENT USE:** Vacant Single Family Dwelling

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** 2 storey wood frame and brick veneer dwelling

Demolish building to clear land. The house has been vacant for over 3 years and is in fair condition. No LACAC interest.

The owner of the property as per the demolition permit is:

Agent: The Provincial Liquidator







Galvi)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

APR 26 1994

**DATE:** April 26, 1994

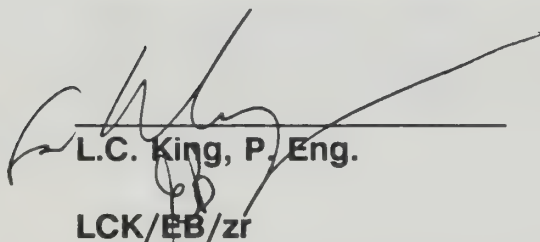
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**149 MACAULEY STREET EAST - Tag Number 91610**  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**149 MACAULEY STREET EAST.**

  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** D Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** 1½ wood frame brick veneer dwelling

Owner wishes to demolish existing single family dwelling and replace with a new single family dwelling. No LACAC interest. Lot size 48' x 149.5'

The owner of the property as per the demolition permit is:

Joao Borges  
132 Macauley Street East  
Hamilton, Ontario







G61

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 26 1994

**DATE:** April 25, 1994

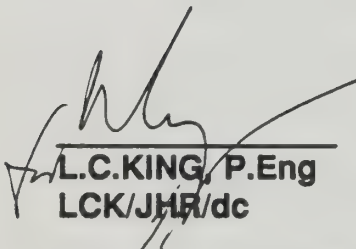
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** COMMERCIAL LOAN PROGRAMME  
1023 KING STREET WEST (94.2.4.2.1.A)

**RECOMMENDATION:**

That a Commercial Loan in the amount of seven thousand, one hundred and five dollars (\$7,105) be approved for John and Helen Mouskos. The interest rate will be 2 3/4 per cent amortized over 10 years.

  
L.C.KING, P.Eng  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The owners of 1023 King Street West have applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.



**The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.**

**The Building Department, therefore, recommends the approval of a Commercial Loan to John and Helen Mouskos for improvements to 1023 King Street West in the amount of \$19,712. The loan will be amortized over a 10 year period at 2 3/4 per cent interest. The monthly payments will be \$230.42 and will be secured by a Promissory Note and a lien registered on title.**

**c.c. R. Camani, Treasury Department**  
**D. Powers, Law Department**



H.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1994 April 28

**REPORT TO:** Alderman D. Drury, Chairperson  
and Members  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary, Transport and Environment Committee re: 79 Rymal Road West, Road Widening Policies dated 1994 March 11.
- (b) Ministry of Environment and Energy re: 164 Mount Albion Road and Draft Plan of Subdivision "Kemp Estates" dated 1994 April 14.
- (c) Director of Public Works re: Vendors in parks dated 1994 April 18.
- (d) Secretary, Parks and Recreation Committee re: Proposed Centre Square Development, Ferguson and Cannon Streets, 5% Parkland Dedication dated 1994 April 21.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

*T. Agnello*

TA/jt







7

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1994 April 20**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the Planning & Development Committee Meeting Held 1994 April 6.

**B. DIRECTOR OF PROPERTY**

Inclusion of City owned lands (Part of 1477 Upper James Street) in Land Titles and Rezoning Application by 90074 Ontario Inc.

**C. MANAGER OF PURCHASING**

Final Lot Grading and Sodding, Various Subdivisions during 1994.

**D. SENIOR DIRECTOR, ROADS DEPARTMENT**

"Wisemount Estates - Phase 4", Hamilton - cash in lieu of 5% Parkland Dedication

**E. BUILDING COMMISSIONER**

(a) Hamilton Emergency Loan Programme, 25 Oxford Street

(b) Demolition of 88 Ward Avenue

**F. COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a) City of Hamilton Response - Recommendations of Minister of Environment and Energy on Niagara Escarpment Plan 5 Year Review.

(b) Site Plan Control Application DA94-02, to modify the layout of an existing parking area at the rear of 1605 Main Street East.

**G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items.







A.

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson  
Mayor R. Morrow  
Alderman Wm. McCulloch  
Alderman M. Kiss  
Alderman D. Wilson  
Alderman F. D'Amico  
Alderman B. Charters

**Regrets:** Alderman F. Eisenberger, Vice Chairperson  
Alderman H. Merling

**Also present:** Alderman T. Anderson  
Victor Abraham, Director of Local Planning  
Paul Mallard, Planning Department  
Joanne Hickey-Evans, Planning Department  
Bill Janssen, Planning Department  
Eugene Chajka, Roads Department  
Roland Karl, Traffic Department  
Willie Wong, Building Department  
Brian Allick, Building Department  
Art Zuidema, Law Office  
John Robinson, Building Department  
John Sakala, Planning Department  
Tina Agnello, Secretary

**PUBLIC MEETING**

1. **Amendment to the Official Plan and Zoning Application 93-44, 779597 Ontario Ltd. (P. Silvestri), owner, for changes in zoning from "AA" District (Block "1") and "A" District (Block "2") to "M-13" District, for lands located in the area west of Pritchard Road between Stone Church Road East and Rymal Road East; Hannon North Neighbourhood.**

Mr. Barry Clark was present in support of the application.

Paul Mallard advised that there is an amendment to item 2, subsection (v). The amendment is to include an adjoining parcel of land.

As recommended by the Commissioner of Planning and Development in a report dated 1994 March 28, the Committee recommended to Council the following as amended:

- (a) That approval be given to Official Plan Amendment No. 125 to: redesignate the subject lands from "Open Space" to "Industrial"; remove the subject lands from Schedule 'C' - Hazard Lands; and, to place the lands in Special Policy Area 11a on Schedule 'B-3', for property located west of Pritchard Road between Stone Church Road East and Rymal Road East, and that the



Director of Local Planning be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

- (b) That approval be given to Zoning Application ZAC-93-44, 779597 Ontario Ltd. - c/o Paul Silvestri, owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "A" (Conservation, Open Space, Park and Recreation) District (Block "2") to "M-13" (Prestige Industrial) District to permit future prestige industrial development in conjunction with adjoining lands, on lands located west of Pritchard Road between Stone Church Road East and Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:
- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "M-13" (Prestige Industrial) District;
  - (ii) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District;
  - (iii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69D for presentation to City Council in a form satisfactory to the City Solicitor;
  - (iv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 125 by the Regional Municipality of Hamilton-Wentworth;
  - (v) That the East Mountain Industrial Business Park Plan be amended to redesignate the subject lands, and the adjoining lands to the east of Block "1" ("AA" District) from "Open Space and Recreational" and "Utilities" to "Restricted Industrial - Commercial"; and,
  - (vi) That the City request the Commissioner of Planning and Development to delete condition "(e)" from the conditions of draft approval of Subdivision Application 25T-88030.
2. **Amendment to the Official Plan and Zoning Application 93-43, A. Kumar, owner, for a change in zoning from "AA" District to "HH" District, for lands located at the front of No. 1094 Upper Sherman Avenue; Thorner Neighbourhood.**

Submissions were received from Pam and Jim Smith, 1102 Upper Sherman Avenue, Hamilton and Shirley and Angelo Lauricella, 1092 Upper Sherman Avenue, Hamilton.

Daniel Gabriel, Agent from Mars Homes on behalf of the applicant was present.

Paul Mallard advised that the applicants are now prepared to consider a restricted use of commercial for this property and therefore have requested that a tabling motion be put on the floor in order for the applicants to meet with staff and review this.

Alderman Anderson stated that this proposal is in the midst of a residential neighbourhood and he wants to see family homes in this area.



John Silvester of 282 Parkwood Crescent was present on behalf of the neighbourhood residents and stated that he is against any proposal which is not residential.

Mr. Gabriel stated that he is willing to meet a compromise.

Paul Mallard advised that should their application be tabled, it will be further re-circularized.

Following discussion, the Committee resolved to table the matter in order that the applicant may meet with both Ward Aldermen and staff to attempt to reach a compromise.

3. Zoning Application 93-42, A. Kumar, owner, for a change in zoning from "AA" District to "C" District, for lands located at the rear of No. 1094 Upper Sherman Avenue; Thorner Neighbourhood.

Daniel Gabriel was present on behalf of Mars Homes as agent of the applicant.

Further to the discussion in Item 2, the Committee resolved to table this matter in order to allow the applicant to meet with staff and both Ward Aldermen to discuss a compromise on this matter.

#### 4. BUILDING COMMISSIONER

##### **By-law for Removal of Signs on Sidewalks and Highways**

Mr. Brian Allick stated that this By-law will give authority to the City to move signs which are illegal and charge the costs back to the tax rolls for those individuals responsible.

As recommended by the Building Commissioner in a revised report dated 1994 April 5, the Committee recommended to Council as follows:

That the appropriate By-law be enacted to amend By-law No. 81-160 (regulating signs over Sidewalks and Highways), to permit a sign for the purpose of identification of a business or service, to be removed upon the cessation of such business or service, where the owner fails to remove the sign within 90 days, or where the sign is in a dangerous or defective condition.

#### 5. CORRESPONDENCE

##### **Bob Harkness, Lot Grading Control With Respect to Land Severance Application**

The Committee moved to table this matter to the next meeting in order for Alderman Merling to be present.



6. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-93-18, Alpha Development Services Inc., owners, for Lands Located at 52-62 Victoria Avenue South

Mr. Ed Dominicetti and Jeff Simpson were present on behalf of Alpha Development Services Inc.

John Sakala stated that the proposal is for a six storey building with 51 unit apartments. It is proposed to be for non-profit housing and the amenity space will be at the rear of the building where the parking will also be. Presently there are three buildings on site. He noted that there are two issues:

- LACAC has reviewed the buildings and are considering the three buildings as listed.
- it is also under the Rental Housing Protection Act.

Other issues related to the property are with regard to the density. The applicant is proposing 2.0 F.A.R. density, which is high, and the area is listed under medium density and should be 1.7 F.A.R. There are also various variances to the side yards of the property.

Jeff Simpson, Architect, stated that he is in general agreement with the recommendation other than that pertaining to the density.

Alderman McCulloch was concerned that the density issue is a rezoning matter and should not be dealt with through site plan.

Victor Abraham advised that the applicants would be required to either rezone or approach the Committee of Adjustment for a variance to the density.

Alderman McCulloch stated that he does not support a higher density and that it is a major zoning change. He suggested to the Committee that it either be tabled in order to determine what the Committee of Adjustment deems appropriate or denied if the Committee does not consider the density to be appropriate for this neighbourhood. He added that the neighbourhood residents are opposed to the high density but do not have the opportunity in a site plan approval to state their opinion on this matter.

Aldermen Wilson and Drury supported the amended application with the exception of the change to a higher density.

Mayor Morrow supports the higher density and was concerned that development is being delayed.

Following brief discussion a motion was placed on the floor to table the matter and was defeated.

The Committee then passed the following resolution to deny the application and recommended to Council as follows:

That Site Plan Control Application DA-93-18 by Alpha Développement Services Inc., owners of the land at 52-62 Victoria Avenue South, for development of



a 51 unit apartment building for non-profit housing be denied on the basis that the development is an over-intensification of the site.

7. **REFERRAL BACK FROM COUNCIL**

**Mayor's Task Force on Downtown Issues and Renewal**

The Mayor reviewed Items 4, 5, 6, 7, 8, 10, 15 and 18 with the Committee. These were matters which were pertaining to the Planning and Development Committee.

He stated that he is attempting to encourage multiple density housing. He was also positive with regard to a Chinatown proposal and a potential proposal regarding a museum in the downtown area. He stated that it is important to connect the downtown to Bay Street and Hess Village area. He concluded by stating that the downtown should be the jewel in the crown and beautification programmes should be a priority and as such early spring clean-up should be established for the downtown core. In the future he foresees downtown combining many uses and having many outdoor activities.

Alderman Wilson did not agree with Item 4 that the major entrance to the new court facility be on King Street to which the Mayor advised that there is work being done to change the interior connecting pathways of the building.

Following brief discussion the Committee moved to receive the report dated 1994 March 23 and refer to staff for comments.

8. **CONSENT AGENDA**

**A Adoption of the Minutes**

The minutes of the Planning and Development Committee held 1994 March 23 were approved as circulated.

**THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:**

**B DIRECTOR OF PUBLIC WORKS**

**Ottawa Street Business Improvement Area Revised Schedule of Payment for 1994 dated 1994 March 29.**

That the originally approved Schedule of Payment for the Ottawa Street B.I.A.'s 1994 Operating Budget in the amount of \$43,800. be revised as follows:

1994 January 01	\$21,900.
1994 April 01	\$21,900.

Note: 55% (\$17,200.) of the 1993 uncollected levy was deducted from the January instalment and, 45% (\$14,430.25) will be deducted from April's instalment.



**C     ACTING SECRETARY, L.A.C.A.C.**

- (a)    **Importance of Designated Property Grant Programme and Request for Re-instatement of Full Provincial Funding dated 1994 March 28**

That a letter be sent from Mayor Robert Morrow to the Honourable Ann Swarbrick, Minister of Culture, Tourism and Recreation, confirming the vital importance of the Designated Property Grant Program and requesting that full funding be re-instated.

- (b)    **Hamilton GO Centre (T.H. & B. Station) - Alterations Under the Ontario Heritage Act dated 1994 March 28**

That a Heritage Permit be issued for the following alterations to the former T.H. & B. Station at 36 Hunter Street East, in accordance with the requirements of the Ontario Heritage Act:

- (a)    Removal of the original limestone cladding, for restoration and re-installation (selected panels to be replaced with new matching stone, where necessary); and,
- (b)    Removal of all windows of main building, to be replaced by new units replicating the size, shape, configuration and colour of the original ones.

**D     BUILDING COMMISSIONER**

- (a)    **Various Demolition Permits**

That the Building Commissioner be authorized to issue demolition permits for:

- (a)    385 MacNab Street North
- (b)    389 MacNab Street North
- (c)    80 Ward Avenue
- (d)    9 Limeridge Road East
- (e)    86 Holmes Avenue
- (f)    194 Beach Road

- (b)    **Commercial Loan Programme - 588 Concession Street**

That a Commercial Loan in the amount of nineteen thousand, seven hundred and twelve dollars (\$19,712.) be approved for Camtech Photographic Services Limited. The interest rate will be 2 3/4 per cent amortized over 10 years.

**E     COMMISSIONER OF PLANNING AND DEVELOPMENT**

**Authorization for a Public Meeting - Proposed Plan, Mountview Neighbourhood**

As recommended in a report dated 1994 March 29, the Committee authorized a public meeting to discuss the proposed neighbourhood plan and accompanying Official Plan Amendment for Mountview Neighbourhood.



**F SECRETARY OF PLANNING AND DEVELOPMENT COMMITTEE****Information Items**

As recommended in a report dated 1994 March 31, the Committee moved to receive for information purposes the following items which were previously forwarded to the members of the Committee under separate cover:

- (a) Downtown Action Plan Co-ordinating Committee: Christmas Light Grant Programme, 1994 January 21.
- (b) Lynda Morris Management Services Limited: City Initiative 91-H, Regulations for Public Parking Lots, 1994 January 31.
- (c) Mr. & Mrs. Lewis: Redevelopment Plans for the Thistle Club Site, 1994 February 1.
- (d) Adrienne Young: Buckingham York Ltd. Meeting 1994 February 2 at 9:30 a.m., 1994 February 2.
- (e) L. King, Building Commissioner: Building Department Initiatives, Ontario New Home Warranty Programme, 1994 March 28.
- (f) L. King, Building Commissioner: Building Department Initiatives Telephones, 1994 March 28.

**9. CONFIDENTIAL AGENDA****BUILDING COMMISSIONER****Ontario Home Renewal Programme Registration of Loan on Tax Roll - 39 Manning Avenue**

As recommended in a report dated 1994 March 23, the Committee approved as follows:

That the total outstanding Ontario Home Renewal Loan for Mrs. Anna Tait, 39 Manning Avenue, Hamilton in the amount of \$2,326.07 be placed on the Tax Rolls.

**10. OTHER BUSINESS**

None.

**11. ADJOURNMENT**

There being no further business, the Committee meeting adjourned.

Taken as read and approved.

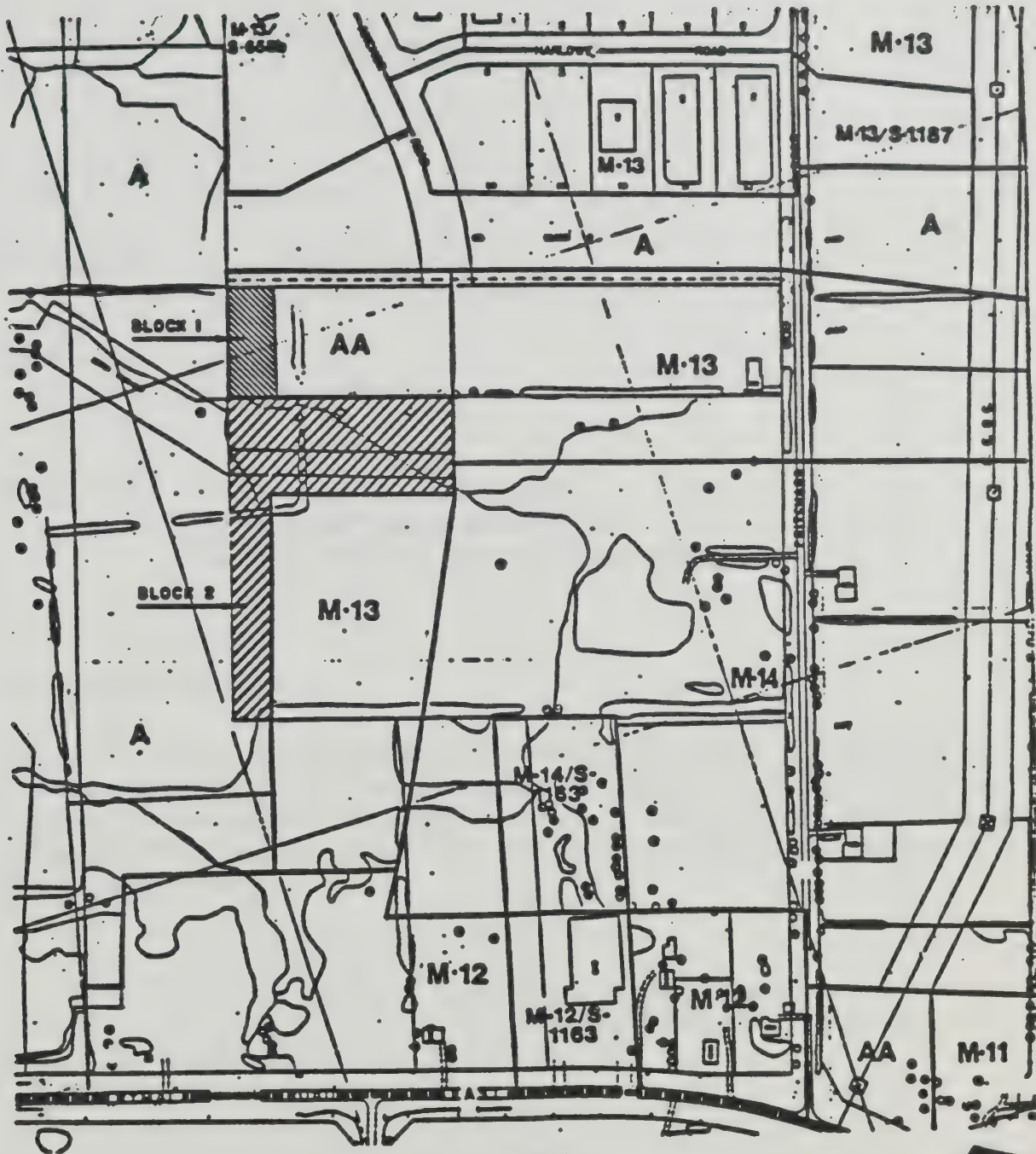
Alderman D. Drury  
Chairperson  
Planning and Development Committee

Tina Agnello  
Secretary  
Planning and Development Committee









Legend

Proposed Changes in zoning from:

Block "1"



"AA" (Agricultural) District to "M-13" (Prestige Industrial) District

Block "2"



"A" (Conservation, Open Space, Park and Recreation) District to "M-13" (Prestige Industrial) District

2AC-93-44







B.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 7 -

**DATE:** 1994 April 7

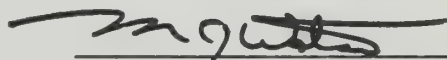
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** D. W. Vyce  
Director of Property

**SUBJECT:** Inclusion of City owned lands  
(Part of 1477 Upper James Street)  
in Land Titles and Rezoning Application  
by 90074 Ontario Inc.

**RECOMMENDATION:**

That 90074 Ontario Inc. (Terry Yates, President) be authorized to include the City owned lands located on the northerly limit of Regina Drive, being part of 1477 Upper James Street, Hamilton, more specifically designated as Parts 1 and 4 on Plan 62R-12942, in their application for the rezoning of their own lands and registration of the same lands into the Land Registry System.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The City has received a request from 90074 Ontario Inc. that authority be granted to allow them to include the subject City lands in their applications for the rezoning and registration into the Land Titles System of their own property which abuts the City's lands to the north.



The request comes as part of 90074 Ontario Inc. preparations to develop their property which will require them to obtain the subject lands (Parts 1 and 4 on Plan 62R-12942) from the City prior to the commencement of development of which negotiations for a portion of this sale are presently underway.

The City acquired the subject lands as part of the settlement resulting from the expropriation of 1477 Upper James Street, Hamilton required for the establishment of Regina Drive in the Ryckmans Neighbourhood, which was approved by City Council on 1993 October 26 as Item 20 of the 13th Report of the Transport and Environment Committee. The subject is the remnant parcel of land fronting on Upper James Street which will not form part of the above noted roadway.

By allowing the subject lands to be included in the rezoning and land titles applications of 90074 Ontario Inc. at this time, it will allow their development to proceed more expeditiously once the City's land have been acquired.

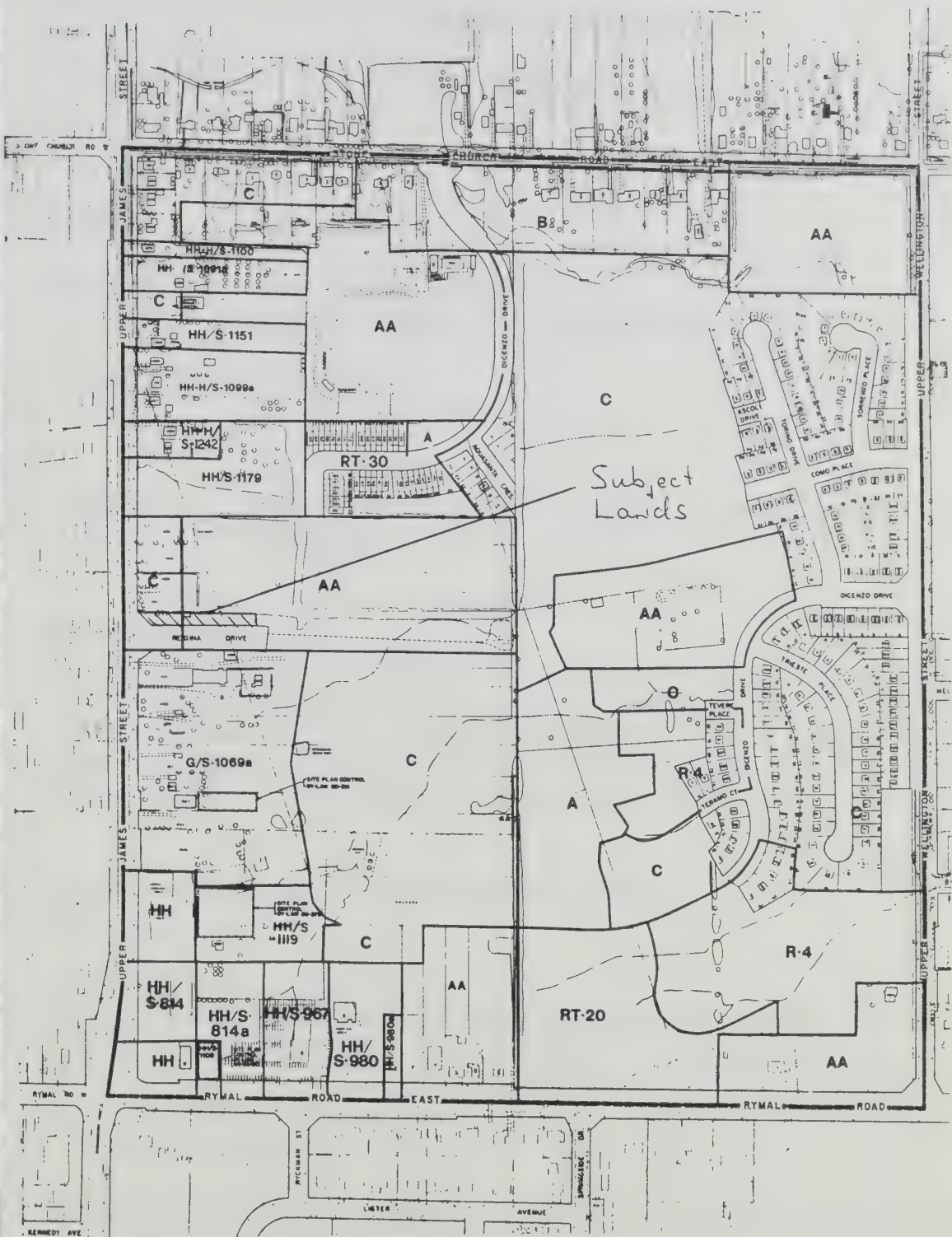
KN/nw  
Attach.

c.c. P. Noé Johnson, City Solicitor, Law Department

C. Bandurka, Property Clerk, Surveys, Roads Department

V.J. Abraham, M.C.I.P., Director, Local Planning Division, Planning and Development Department





86	82	33
101	119	8
83	6	24

This is not a Legal Document  
For Zoning Verification Please  
Contact City Building Department.

Neighbourhood Boundary  
Zoning Boundary

Prepared for The City of Hamilton  
by the Planning and Development Department  
of The Regional Municipality of Hamilton - Wainwright

Planning  
Listed  
7508







C

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 April 11

APR 12 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee


**FROM:** T. Bradley  
Manager of Purchasing

**SUBJECT:** Final Lot Grading and Sodding, Various Subdivisions  
during 1994

**RECOMMENDATION:**

That a purchase order be issued to Oakridge Landscape Contractors Ltd., Hamilton, to provide final lot grading and sodding as and when required during 1994 in various subdivisions, being the lowest of five quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivisions Account No. PR53700090.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**  
N/A



**BACKGROUND:**

The City of Hamilton subdivision agreements require applicants to provide appropriate security to insure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur the subdivider will be notified by the Regional Roads Department and/or the City Building Department that remedial work will be required to correct the deficiencies.

Failure by the subdivider to perform the remedial work will be considered a default of the City Subdivision Agreement whereby the City Building Department will utilize an outside contractor to complete the outstanding works. The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure by the subdivider to pay for the costs of remedial work would result in the City recovering from the subdivision security on hand.

See Quotation Analysis of individual prices submitted, along with Schedule A which is a sample grading cost.



**QUOTATION ANALYSIS**

Description	Oakridge	Sunset Landscape	O.Ciccarelli & Son	Canpro Paving	Wm. Groves Limited
Final lot grading inc. supply & placement of 100mm topsoil, incl. removal of debris, per sq.m.	3.76	4.85	3.45	5.90	6.00
Supply/place No.1 Nursery Sod inc.100mm topsoil, per sq.m.	5.00	4.15	6.10	6.00	6.00
Supply/place 100mm topsoil, per sq.m.	2.94	4.15	2.85	6.50	3.00
Supply/place Granular 'A', per tonne	14.00	16.00	20.50	11.75	20.00
Supply/install 0.9m corrugated steel window well incl. 300mm clear stone, per unit	150.00	75.00	185.00	95.00	100.00
Supply/construct 150mm x 150mm pressure treated timber retaining walls with tie backs. incl. excavation, granular and/or tile drains & backfill, per sq.m. of wall face	150.00	163.35	215.00	92.00	100.00
Supply/construct precast concrete retaining walls, Pisa Stone incl. excavation, granular and/or tile drains & backfill, per sq.m. of wall face	180.00	182.00	248.00	190.00	200.00
Supply/construct 1.5m chainlink fencing	32.00	32.50	50.00	78.00	60.00
Super-vision/per hour	28.00	25.00	25.00	35.00	44.85
Labourers/per hour	22.00	22.00	22.00	27.00	37.22
Equipment operators/driver/per hour	25.00	24.00	25.00	28.00	44.85
Three man survey crew/per hour	95.00	185.00	90.00	135.00	140.00
Bobcat, excl. operator/per hour	20.00	27.00	30.00	22.00	20.00
Dump truck, excl. driver/per hour	20.00	26.00	20.00	20.00	25.00
Backhoe/front end loader, excl. driver/per hour	35.00	31.00	35.00	32.00	20.00
Adjustments to catch basins and/or manholes/per unit	200.00	250.00	500.00	125.00	200.00
Material Cut/per cubic metre	5.00	6.00	22.50	11.25	4.00
Material Fill/per cubic metre	5.00	6.00	22.50	10.00	4.60



THE CORPORATION OF THE CITY OF HAMILTON  
FORM OF QUOTATION

FINAL LOT GRADING AND SODDING  
FOR VARIOUS SUBDIVISIONS DURING 1994

ITEM	DESCRIPTION	OAKRIDGE		SUNSET		O. CICCARELLI		CANPRO		WM GROVES	
		COST		COST		COST		COST		COST	
	2000	3.76	@	4.85	@	3.45	@	5.90	@	6.00	@
	2000	5.00	@	4.15	@	6.10	@	6.00	@	6.00	@
	15	2.94	@	4.15	@	2.85	@	6.50	@	3.00	@
	120	14.00	@	16.00	@	20.50	@	11.75	@	20.00	@
	2	150.00	@	75.00	@	185.00	@	95.00	@	100.00	@
	20	150.00	@	163.35	@	215.00	@	92.00	@	100.00	@
	20	180.00	@	182.00	@	248.00	@	190.00	@	200.00	@
	20	32.00	@	32.50	@	50.00	@	78.00	@	60.00	@
(a)	20	28.00	@	25.00	@	25.00	@	35.00	@	44.85	@
(b)	120	22.00	@	22.00	@	22.00	@	27.00	@	37.22	@
(c)	3 @ 14 hrs. ea			2,640.00	@	2,640.00	@	3,240.00	@	4,466.40	@
	42	25.00	@	24.00	@	25.00	@	28.00	@	44.85	@
(d)	8	95.00	@	185.00	@	90.00	@	135.00	@	140.00	@
(e)	9	20.00	@	27.00	@	30.00	@	22.00	@	20.00	@
(f)	6	20.00	@	26.00	@	20.00	@	20.00	@	25.00	@
(g)	6	35.00	@	31.00	@	35.00	@	32.00	@	20.00	@
(h)	1	200.00	@	250.00	@	500.00	@	125.00	@	200.00	@
1.	10	5.00	@	6.00	@	22.50	@	11.25	@	4.00	@
2.	5	5.00	@	6.00	@	22.50	@	10.00	@	4.60	@
TOTAL (incl P.S.T.)		\$32,579.10		\$34,242.25		\$38,580.25		\$39,691.00		\$42,925.10	
S.T.		\$2,280.54		\$2,396.96		\$2,700.62		\$2,778.37		\$3,004.76	
TOTAL BID		\$34,859.64		\$36,639.21		\$41,280.87		\$42,469.37		\$45,929.86	







D.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 April 8  
S723-63 P. Strong

APR 11 1994

**REPORT TO:** Mrs. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** "WISEMOUNT ESTATES - PHASE 4", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)

**RECOMMENDATION:**

- a) That the City of Hamilton accept the sum of \$5,520 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 4, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Wisemount Estates - Phase 4 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

*Ted C. in*

*EM* E. M. Gill, P.Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financing costs associated with this report.

cont'd...



Page 2

DATE: 1994 April 8

**"WISEMOUNT ESTATES - PHASE 4", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)**

**BACKGROUND:**

**"WISEMOUNT ESTATES - PHASE 4", Hamilton**

The owner of Wisemount Estates - Phase 4 (822827 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$5,520.

The lands of Wisemount Estates - Phase 4 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

ps  
encl.

cc: D. Cobb, City Treasury  
cc: R. Buckle, City Real Estate Department



Ea)

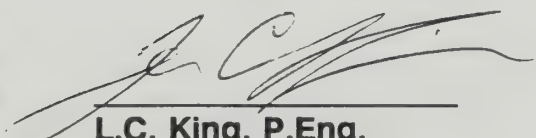
**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** April 8, 1994  
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee  
**FROM:** L.C. King, P.Eng.  
Building Commissioner  
**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
(H.E.L.P.)(94.2.4.2.1.A)

APR 12 1994

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and twenty-one dollars (\$321) be approved for Maria Sousa, 25 Oxford Street, Hamilton. The interest rate will be 8 per cent amortized over two years.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Ms. M. Sousa, 25 Oxford Street in the amount of \$321. The chimney has been repaired and the Department recommends approval in the amount of \$321 at 8% interest and amortized over two (2) years.

c.c. R. Camani, Treasury







EB)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** April 12, 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

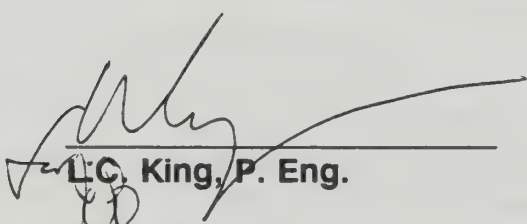
**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**88 WARD AVENUE - Tag Number 91569**  
(94.1.1.A)

APR 12 1994

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**88 WARD AVENUE.**

  
\_\_\_\_\_  
L.C. King, P. Eng.  
LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C/S-720 Residential

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** New Single Family Dwelling

**BRIEF DESCRIPTION:** 1½ wood frame dwelling

Owner wishes to demolish existing house and replace with a 2-storey single family dwelling.

The owner of the property as per the demolition permit is:

991833 Ontario Inc.  
33 Cheever Street  
Hamilton, Ontario







Fa)

**CITY OF HAMILTON**  
**- RECOMMENDATION -** APR 13 1994

**DATE:** 1994 April 11  
(ENV-NEC)

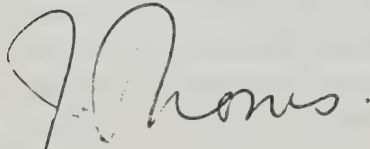
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

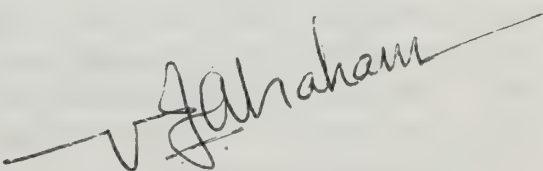
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City of Hamilton Response - Recommendations of the  
Minister of Environment and Energy to the Niagara  
Escarpment Plan 5 Year Review

**RECOMMENDATIONS:**

- A) That the Minister of Environment and Energy's recommendations on the Niagara Escarpment Plan 5 Year Review be endorsed with the exception of the Recommendation 5.2.5.1. which prohibits municipal official plans from including more restrictive policies in their plans than those of the Niagara Escarpment Plan.
- B) That the City of Hamilton supports the Niagara Escarpment Commission's Amendment to the Niagara Escarpment Plan and the Hearing Officers endorsement of the Amendment to allow municipalities to include more restrictive policies in their official plans provided they do not conflict with the intent of the Niagara Escarpment Plan (NEP);
- C) That the City Clerk be requested to forward City Council's decision and the accompanying report to the Clerk of the Executive Council.

  
**J.D. Thoms, M.C.I.P.,**  
**Commissioner**  
**Planning and Development**

  
**V.J. Abraham, M.C.I.P.,**  
**Director of Local Planning**



## FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

## BACKGROUND:

In 1973, the Provincial Government introduced legislation establishing a new system of land use planning for lands encompassing, and immediately adjacent to, the Niagara Escarpment. The Niagara Escarpment Planning and Development Act established the Niagara Escarpment Commission (NEC), put in place a development control process involving the issuance of "development permits" for lands within the jurisdiction of the NEC and set out a process for the development of a "Niagara Escarpment Plan".

The Niagara Escarpment Plan (NEP), which was approved by Provincial Cabinet in June, 1985, differentiated Niagara Escarpment lands into a number of designations that responded to the geo-physical characteristics of the lands and their proximity to the Escarpment. In 1990, the NEC undertook a formal Five year Review of their Plan as required by the Niagara Escarpment Planning and Development Act. Once the Plan Review was completed, it was subject of Public review and culminated with a hearing by the Niagara Escarpment Hearing Office. The hearing officers tabled their report with MOEE in March 1993 and the MOEE responded to the recommendations in their report dated March 1994. Comments on the latest report are accepted until April 25, 1994. This report is not attached due to its complexity and length.

## ANALYSIS:

The majority of the modifications to the Hearing Officers recommendations affect both the rural and minor urban centres, two land use designations that are not applicable to the City of Hamilton. However, there is **one** recommendation in the Report that could have an effect on the City.

In the mid 1980's, through one of the NEC's policy papers, the Commission introduced an amendment to the NEP which would permit municipalities to adopt more restrictive policies in their local official plans, provided such policies did not conflict with the Niagara Escarpment Plan. The basis for the amendment was to provide municipalities with more authority to plan in local situations. The hearing Officers recommended endorsement of this Amendment, with minor wording modifications.

However, Recommendation 5.2.5.1 by the MOEE on the Hearing Officers' report, will remove this proposed clause from the NEP, effectively eliminating a municipality's ability to provide additional protection for those areas they feel warrant it. It is our understanding the lawyers for the MOEE have determined that if more restrictive clauses were introduced into local official



plans, they would conflict with the intent of the Niagara Escarpment Plan.

It should be noted the City of Hamilton has not had the need to include more restrictive policies in the Official Plan, to date; however, such a need could arise in the future. In this regard, it would be beneficial to have the authority to include more restrictive policies which are more likely to be responsive to local concerns.

#### CONCLUSIONS:

- A) That the Minister of Environment and Energy's recommendations on the Niagara Escarpment Plan 5 Year Review be endorsed with the exception of the Recommendation 5.2.5.1. which prohibits municipal official plans from including more restrictive policies in their plans than those of the Niagara Escarpment Plan).
- B) That the City of Hamilton supports the Niagara Escarpment Commission's Amendment to the Niagara Escarpment Plan and the Hearing Officers endorsement of the Amendment to allow municipalities to include more restrictive policies in their official plans provided they do not conflict with the intent of the Niagara Escarpment Plan (NEP);
- C) That the City Clerk be requested to forward City Council's decision and the accompanying report to the Clerk of the Executive Council.

JHE  
a:apnec







F6)

**CITY OF HAMILTON**

APR 13 1994

**- RECOMMENDATION -**

**DATE:** April 8, 1994  
DA-94-02 (ZA91-86)  
Homeside Neighbourhood

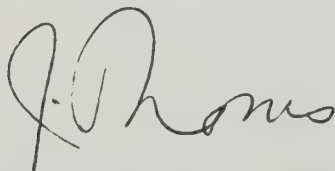
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

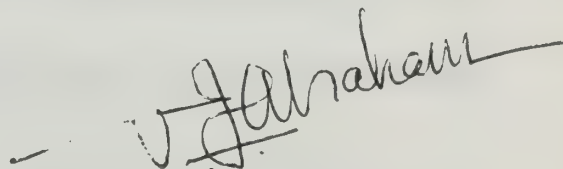
**SUBJECT:** Site Plan Control Application to modify the layout of an existing parking area at the rear of 1605 Main Street East.

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA94-02, by Unicare Inc., owner of property located at No. 1605 Main Street East to modify the parking layout of an existing parking area in accordance with the decision of the Ontario Municipal Board and that the appropriate agreements and security be provided for the revised parking layout.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning & Development Department



**V. J. Abraham, M.C.I.P.**  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

In its decision of July 9, 1993, the Ontario Municipal Board indicated that " the Board will allow the appeal and authorize the further modification of the "H" zoning on this site to permit a maximum of 30 residents. By-Law 6593 will be amended to reflect this permission. The Board's order will issue upon receipt from the City, consented to by the appellant, of a revised by-law to accompany the order and notice that a satisfactory agreement has been entered into between the City and the applicant to ensure that the layout of the parking area is revised in accordance with this decision."

Accordingly, the applicant has submitted the attached plan showing the relocation of two existing parking spaces and deletion of one existing parking space. The only change in the existing site features is this modification to the parking area. All other features of the site in regard to fencing, planting, drainage will remain the same.

**EXISTING LAND USE:**

The subject area at the rear of the property is presently used for parking for 9 spaces with perimeter plantings and fencing.

**RESULTS OF CIRCULARIZATION:**

- The Traffic Department has recommended that the parking be modified slightly so that the spaces are at right angle to the north property line as shown on the attached plan. It is also recommended that the existing "cut-out" next to the east property line remain to ease backing in or out of the most easterly parking stall.



- The Building Department has advised that the proposal complies with the requirements of Zoning By-Law 6593.
- The Hamilton-Wentworth Roads Department in the attached letter has indicated that although no grading detail is shown, the application is minor in nature and is recommended for approval.

#### **COMMENTS:**

The proposed layout has been marked in red to incorporate comments from the Traffic Department related to the backing up area to retain some existing curbing and allowing additional manoeuvring area. The new curb should be constructed at right angle to the end curb. The westerly curb will remain in its existing location and the painted lines should be repainted to be perpendicular to the end curb.

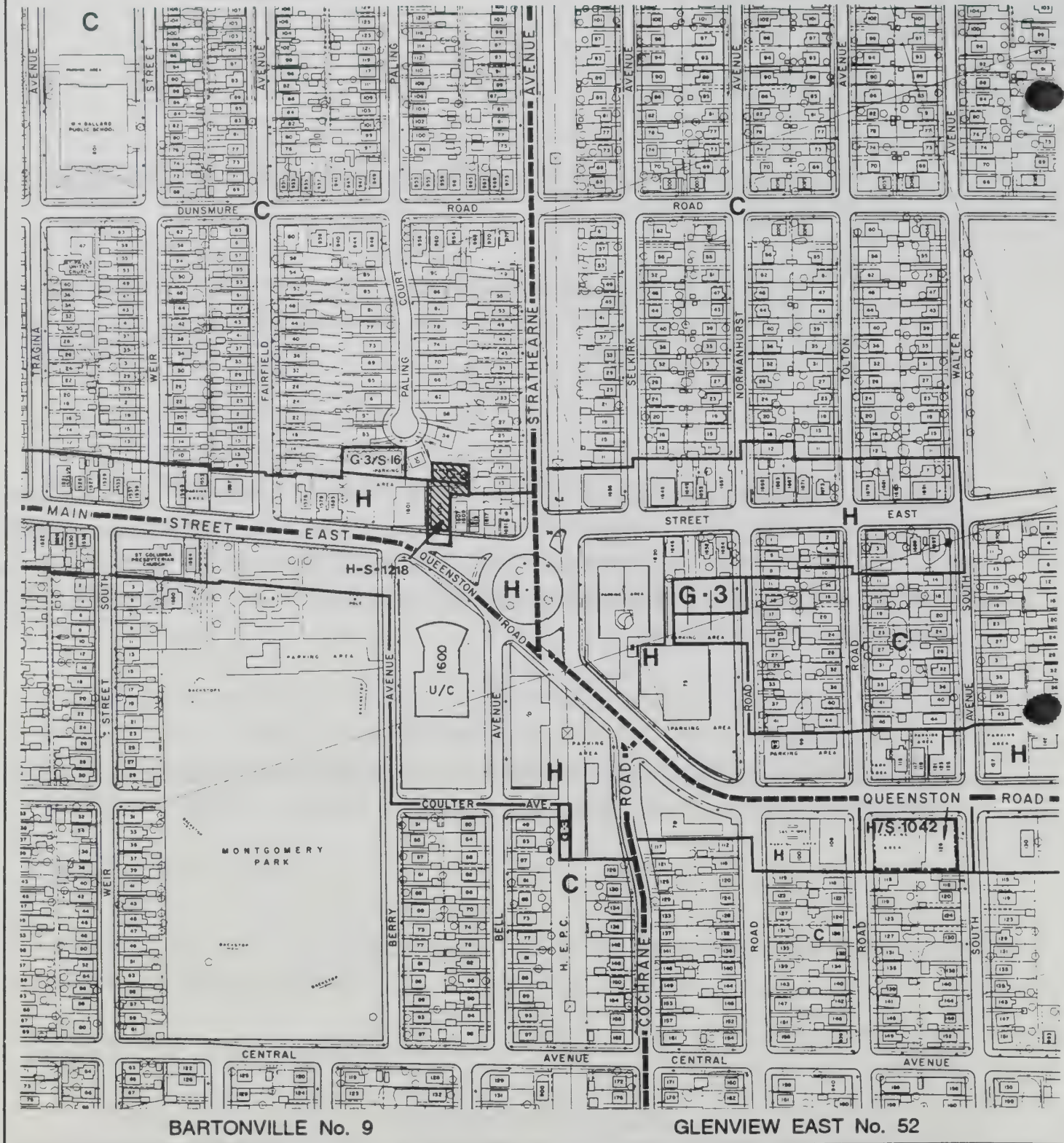
#### **CONCLUSION:**

The proposed layout as submitted and red-lined is recommended for approval and should be included in an agreement with appropriate securities.



HOMESIDE No. 66

NORMANHURST No. 105



BARTONVILLE No. 9

GLENVIEW EAST No. 52

City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-94-02**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



Site of the Application

North



Scale  
NOT TO SCALE

Date  
FEBRUARY 1994

Reference File No.  
DA-94-02

Drawn By  
Z.K.



# SITE PLAN

## MONTGOMERY LODGE

### PART OF LOT 1, CONCESSION 2

#### CITY OF HAMILTON

#### REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**UNDERTAKING**

WE, UNICARE INC., THE OWNERS OF THE LAND HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION:

- (a) TO COMPLY WITH ALL THE CONTENT OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM;
- (b) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE PLANNING ACT, R.S.O., 1990, SHOWN ON THIS PLAN AND DRAWING; AND CITY OF HAMILTON BY-LAWS No. 87-150 AND 87-223; AND
- (c) TO MAINTAIN TO THE SATISFACTION OF THE CITY OF HAMILTON AND AT OUR SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(a) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS.

DATED THIS 21 DAY OF Jan 1994

WITNESS (SIGNATURE)

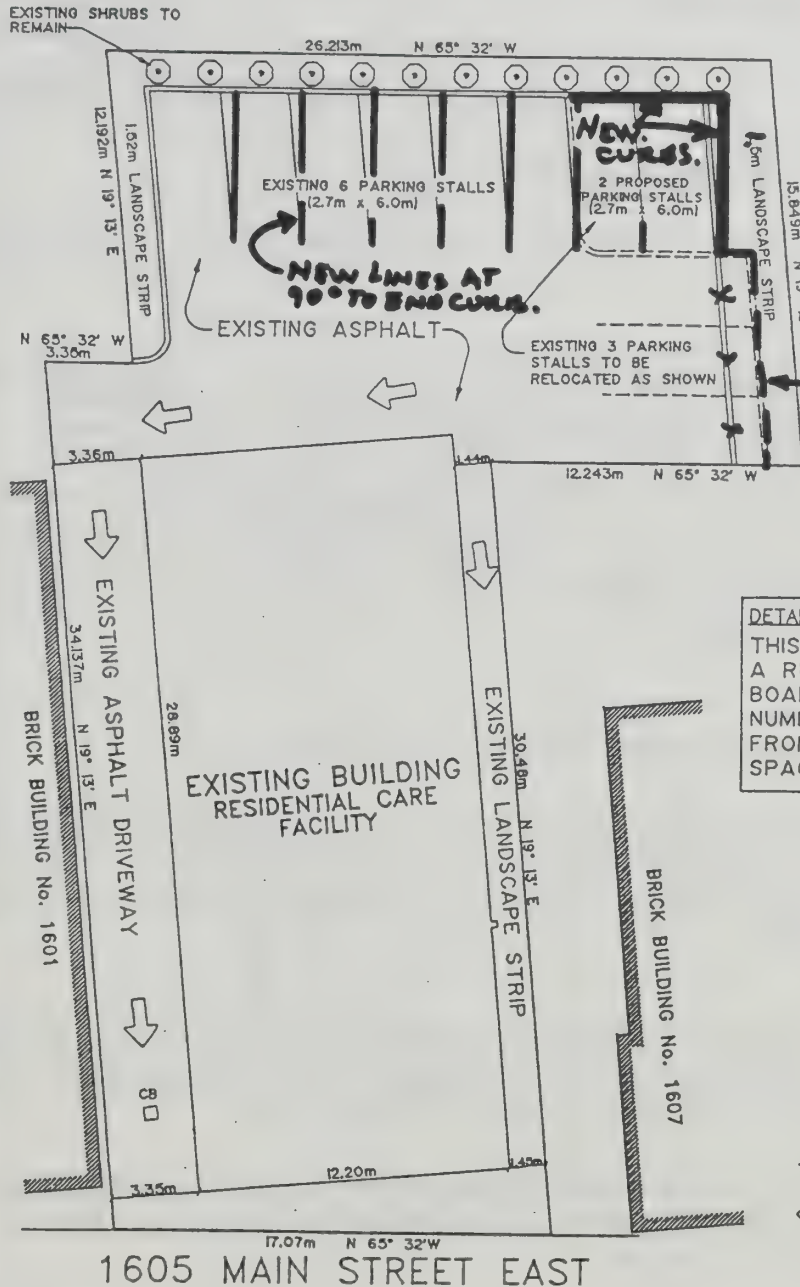
(SEAL)  
OWNER (SIGNATURE)

WITNESS (PRINT)

J. KOZAR  
OWNER (PRINT)

ADDRESS OF WITNESS

**RETAIN EXISTING CURB IN THIS AREA.**

**DETAILS OF DEVELOPMENT**

THIS SITE PLAN APPLICATION IS AS A RESULT OF THE ONTARIO MUNICIPAL BOARD DECISION TO REDUCE THE NUMBER OF PARKING SPACES TO 8 FROM 9; AND TO RELOCATE THE 2 SPACES AS SHOWN ON THIS PLAN.

**LEGEND**

DIRECTION OF STORM DRAINAGE FLOW

BOUNDARY AS SHOWN ON THIS PLAN IS AS SHOWN ON MACKAY, MACKAY & PETERS DWG No. S-4462-A

**NOTES**

- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE COMMISSIONER OF REGIONAL TRANSPORTATION/ENVIRONMENTAL SERVICES.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/ APPROVAL NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING.

- RELOCATION OF SERVICES

### PROPOSED SITE PLAN OF THE EXISTING PARKING LOT

1605 MAIN STREET EAST  
PART OF LOT 1, CONCESSION 2  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:200	DATE JAN. 18, 1994	JOB No. OM63	DRAWN BY: J. PAUL
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CITY PLANNING & LAND DEVELOPMENT  
CONSULTANTS INC.

1846 HEATHER HILLS DR.  
BURLINGTON, ONTARIO, CANADA L7P 2Y9

TEL: (905) 332-4228

FAX (905) 332-8069

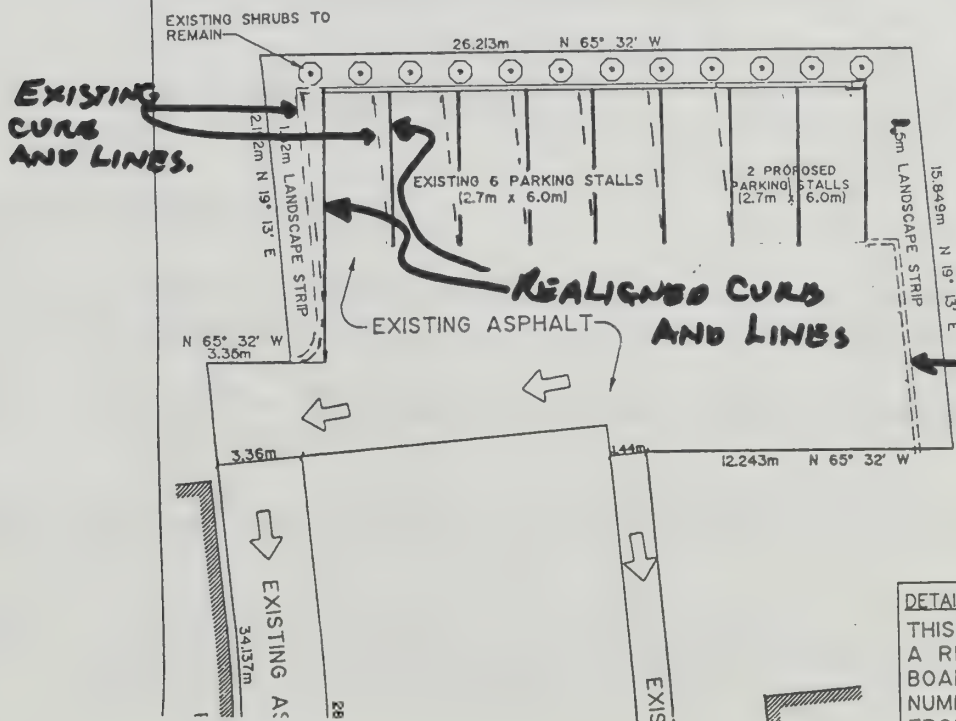






# TRAFFIC DEPARTMENT RECOMMENDED PLAN.

## SITE PLAN MONTGOMERY LODGE PART OF LOT 1, CONCESSION 2 CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



### UNDERTAKING

WE, UNICARE INC., THE OWNERS OF THE LAND HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION:

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- (b) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 4(17)(a) OF THE PLANNING ACT, R.S.O., 1990, SHOWN ON THIS PLAN AND DRAWING; AND CITY OF HAMILTON BY-LAWS No. 87-150 AND 87-223; AND
- (c) TO MAINTAIN TO THE SATISFACTION OF THE CITY OF HAMILTON AND AT OUR SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 4(17)(a) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING, INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS.

DATED THIS 21 DAY OF JAN 1994

WITNESS (SIGNATURE)

OWNER (SIGNATURE)

WITNESS (PRINT)

OWNER (PRINT)

ADDRESS OF WITNESS

### DETAILS OF DEVELOPMENT

THIS SITE PLAN APPLICATION IS AS A RESULT OF THE ONTARIO MUNICIPAL BOARD DECISION TO REDUCE THE NUMBER OF PARKING SPACES TO 8 FROM 9, AND TO RELOCATE THE 2







G.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 April 13

**REPORT TO:** Alderman D. Drury, Chairperson  
and Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) City Solicitor, City of Hamilton Bill Pr24 - Penalties/Fines for By-law Infractions to the City dated 1994 April 7.
- (b) Regional Clerk's Office, Hamilton Official Plan Amendment 80, Judicial Review Application dated 1994 April 7.
- (c) City Solicitor, Niagara Escarpment Plan Review Hearing Report of the Minister of Environment and Energy dated 1994 April 8.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

Attach.  
TA/jt







Tabled P+D 1994 Apr 6  
Tabled P+D 1994 Apr 20  
FEB 0 1 1994

148 Chesley Street

Hamilton, Ontario, L9C 3L3

Jan. 26/94

Aldermen Henry Werling  
City Hall, Hamilton

Dear Aldermen Werling:

Re: Lot Grading Control with Respect to Land Severance  
Applications Creating One, Two + Three Lots

Almost a year ago, on Feb. 3/93, a staff recommendation to the Planning + Development Committee on the above issue was referred to an ad hoc committee, with you as chair. I understand, although the report seemed to be a satisfactory compromise + also seemed to generate support at the full committee level, that you wished to give it further study.

When I had appeared at the P. + D. Committee twice earlier on this issue, you were particularly supportive + helpful in obtaining further staff study + a set of recommendations. I am now anxious to hear of the results of the ad hoc committee review, + wish to appear at the P. + D. Committee when it is presented. Are you at all able to give me an indication of how soon that might be?

Hoping to hear from you soon,

Bob Harkness (382-7661)

c.c. Aldermen Don Drury, Ch. of P. + D. Committee  
Aldermen Don Ross, Ward 8  
Tina Agnello, Secretary, P. + D. Committee









CITY COUNCIL  
HAMILTON, CANADA

6cd i)  
**Alderman Don Drury**

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 - WARD 3

1994 March 31

**Mr. Duncan Beattie**  
**Chairman**  
**Hamilton Harbour Commission**  
**658 James Street South**  
**Hamilton, ON L8L 1J9**

**Dear Duncan and Commissioners:**

As you are no doubt aware there are several outstanding issues with respect to zoning matters that have proved to be contentious and have interfered with the cordial relations between the Harbour Commission and the City of Hamilton.

Currently one major issue is before the courts and will no doubt result in the expenditure of thousands of taxpayer and Harbour Commission dollars. In an effort to try and resolve some of these outstanding matters without the benefit of taking valuable court time, and in an effort to be fiscally responsible, I am extending an invitation to the Hamilton Harbour Commission to attend a meeting of the Planning and Development Committee to hear your concerns first hand.

I trust a meeting on Wednesday, May 4, 1994 at 11:00 a.m., Room 233 might be convenient for all concerned.

If you have any difficulties with the time and place, please do not hesitate to contact me.

Sincerely,

**Alderman Don Drury**  
**Chairman**  
**Planning and Development Committee**

DD:jf

c.c. **Members of City Council**  
**Mrs. Tina Agnello, Secretary, Planning and Development Committee**

13



605 James St. N.  
Hamilton, Ontario, Canada  
L8L 1K1

Phone Numbers  
Hamilton 905-525-4330  
Inwats 1-800-263-2131

Fax Numbers  
Administration 905-528-6282  
General Office 905-528-6554



April 27, 1994

The Corporation of the City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

**Attention:**            **Alderman Don Drury**  
                         **Chairman**  
                         **Planning and Development Committee**

Dear Alderman Drury,

Thank you for your letter of April 6, 1994. I apologize for the delay in responding to you.

The Hamilton Harbour Commissioners would be pleased to accept your invitation to attend a meeting of the Planning and Development Committee to discuss several outstanding issues between the City and the Commissioners. Attached for your information is a memorandum briefly outlining the land use issues which need to be addressed.

The Commissioners are encouraged by your invitation and look forward to meeting with you and the Planning and Development Committee on May 4, 1994.

Yours very truly,  
**THE HAMILTON HARBOUR COMMISSIONERS**

*D. Beattie / 1994*

**D. M. Beattie**  
**Chairman**



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MATTERS FOR DISCUSSION  
MEETING BETWEEN THE HAMILTON HARBOUR COMMISSIONERS  
AND  
THE CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Room 233, Hamilton City Hall  
11:00 a.m. Wednesday, May 4, 1994

---

Several land use conflicts between the Commissioners and the City remain unresolved.

1. REGION'S REFUSAL TO REFER O.P.A.80 TO O.M.B./DEEMING HHC'S OBJECTIONS "FRIVOLOUS"

- on City direction, Region terms HHC's objections frivolous on August 7, 1993;
- on October 13, 1994 the Port Director met with the Commissioner of Planning and Development to discuss potential means to resolve this matter. The Commissioner of Planning and Development advised that his direction from Council limited his ability to deal with this matter further;
- November 9, 1994 informal meeting between HHC and Alderman Ross and Alderman Drury wherein HHC was informed that Councils for the City and Region did not wish to lift the "frivolous" designation and refer O.P.A. No. 80 to the O.M.B.;
- HHC advised that they were left with no alternative save to request a judicial review;
- on March 8, 1994, HHC files for judicial review by the Ontario Court of Justice of Councils' action;
- matter can be resolved should City agree to O.M.B. referral and reimburse HHC for legal costs (to date approximately \$20,000 directly attributable to necessity of judicial review).

2. ONGOING PLANNING DISPUTES

- Since 1983, HHC has objected to eleven (11) City Official Plan Amendments and zoning by-laws affecting the lands of the Commissioners;



- basis of HHC's objections include down-zoning HHC lands; regulation of shipping and navigation (federal jurisdiction); failure to protect Port from incompatible adjacent uses; failure to recognize importance of the Port; and designation of inappropriate land uses for HHC lands;
- ongoing negotiations between respective planning staff and legal representatives have failed to resolve the dispute
- in October of 1993, City and HHC explore use of third party mediator in order to resolve this lengthy dispute and avoid the cost of O.M.B. hearings - HHC was advised on January 21, 1994 that City does not want to proceed with mediation;
- matter can be advanced by City agreeing to mediation.

### 3. DEVELOPMENT CHARGES

- HHC was advised in June, 1993 that both City and Regional Development charges were applicable to Commissioners' port developments;
- HHC position that Commissioners are exempt from application of by-laws in that:
  - (a) Port development for shipping and navigation purposes is within federal jurisdiction;
  - (b) HHC regulates, develops, operates and maintains services on Port lands; and
  - (c) charges inhibit growth and port development as a result of inequitable application from port to port, both within Ontario and across Canada.
- on March 4, 1994 HHC was advised by City of Hamilton Review of the Development Charges Staff Sub-Committee that Development charges would apply to HHC lands;
- HHC continue to seek acknowledgement that Port lands are exempt from the application of these by-laws.



6c)ii)

# CITY OF HAMILTON

APR 27 1994

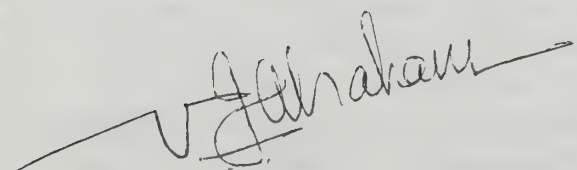
## - INFORMATION -

**DATE:** 1994 April 25  
P 5-3-2-80  
CI-90-B

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Official Plan Amendment No. 80 - Judicial Review  
Application - Hamilton Harbour Commissioners



**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

### BACKGROUND:

On August 17, 1993, Regional Council approved Official Plan Amendment No. 80 to the City's Official Plan and resolved not to refer it to the Ontario Municipal Board, notwithstanding the Hamilton Harbour Commissioners request to do so. The basis for the Region's decision was:

*"That Regional Council deem the request for referral to the Ontario Municipal Board by the Hamilton Harbour Commissioners to be frivolous and, therefore, recommends refusal of the referral request for the following reasons:*

- (i) *That Amendment No. 80 is accepted as a housekeeping amendment;*



- (ii) *That the modifications, as proposed, satisfactorily address the concerns of the interested parties including the Hamilton Harbour Commissioners..."*

As a result of the Region's decision, the Hamilton Harbour Commissioners on March 8, 1994, filed a Notice of Application for Judicial Review "...in respect of the failure of the Region to refer Official Plan Amendment Number 80 of the City of Hamilton to the Ontario Municipal Board."

Subsequently, the Region's Economic Development and Planning Committee TABLED a recommendation that the Commissioners of Legal Services and Planning and Development be authorized to defend the judicial review application. On April 5, 1994, Regional Council authorized staff to defend the judicial review application.

## HISTORY:

The basis of this action by the Hamilton Harbour Commissioners is rooted in a long and controversial history of planning in the Hamilton Harbour. The purpose of this report is to try to put this most recent action by the Commissioners in perspective with what's gone on in the past.

### Ontario Supreme Court Decision - Justice Griffiths

In November, 1976, Justice Griffiths, in his decision in response to a challenge by the Hamilton Harbour Commissioners, held that jurisdiction over land use control in Hamilton Harbour is divided between the City and the Commissioners. In this regard, the City

*"...may validly pass a zoning by-law affecting land use within the harbour so long as it does not explicitly attempt to prohibit or regulate the use of land for purposes related to shipping and navigation. Similarly, the Commissioners,...may validly pass by-laws to regulate and control the use and development of land within the harbour for purposes related to navigation and shipping. Only if conflict arises with respect to the use of a parcel of land within the limits of the harbour, will the paramountcy of the federal power cause the operation of the by-law of the City to be suspended."*

In simple terms, the City could pass Official Plan and zoning amendments for the Harbour area provided they did not attempt to interfere with shipping and navigation.

Since this decision all future planning documents approved by the City have reflected the findings of this decision and specifically state that there is no intent to regulate the Hamilton Harbour Commissioners from using their lands for **bona fide shipping and navigation**.



### **The Hamilton Harbour Commissioners Port Master Plan - 1978, Official Plan Amendment No. 318 and the City's New Official Plan**

In January, 1979, the Harbour Commissioners approved their Port Master Plan "as a future guideline for the development of the Harbour". This Plan reflected a vision of the Harbour which was consistent with the City's as articulated in Official Plan Amendment No. 318, with the exception of the Lax property which the Harbour Commissioners envisaged for industrial purposes.

O.P.A. No. 318 was adopted by City Council in January, 1979. While it never received final approval from the Province, it was the foundation of the current policies in the Official Plan regarding the Harbour. In response to the Province's circulation of the draft Official Plan in 1980, the Commissioners advised that the proposed policies:

*"are compatible with the Hamilton Harbour Commissioners' Port Master Plan...the Plan satisfactorily expresses recognition of the right and interest of the Hamilton Harbour Commissioners to regulate and control land and water uses within the limits of the Harbour for shipping and navigation purposes...the Hamilton Harbour Commissioners have no objection to the new City of Hamilton Official Plan."*

In early 1983 however, after the Province approved the new Official Plan, the Commissioners requested the Province to refer Policy A.2.7.2, as it applies to Piers 25 to 27, to the Ontario Municipal Board. The Hamilton Region Conservation Authority had, prior to approval, requested referral of this Policy. The Province in approving the Official Plan, "deferred" a decision on this Policy. While the Conservation Authority's request was subsequently satisfied and their objection to the Policy was withdrawn, the Harbour Commissioners request remained. Subsequently, the Province referred the matter to the Ontario Municipal Board for resolution. A hearing date is pending.

### **Harbour By-laws**

Consistent with the City's approval of the new Official Plan in 1982, City Council in 1983, passed a total of eleven (11) by-laws intended to implement the policies of the new Official Plan with respect to lands in and around Hamilton Harbour. Of the eleven, ten were appealed by the Hamilton Harbour Commissioners on the basis that the City was:

*"attempting to regulate the Harbour for 'Shipping and Navigation' which is clearly contrary to the constitution and the earlier decision of Mr. Justice Griffiths."*

To date, six complete by-laws and one partial by-law remain under appeal at the Ontario Municipal Board and a hearing date is pending. (See APPENDIX "A" attached)



### **Official Plan Amendments Nos. 62 and 113 - Hamilton Beach Strip**

Official Plan Amendment No. 62 was adopted by Council in 1988 to reflect the City's endorsement of the 1987 Concept Plan for the Hamilton Beach Strip. Official Plan Amendment No. 113, which repealed O.P.A. 62, is intended to implement the detailed Hamilton Beach Neighbourhood Plan. City Council adopted both documents on August 25, 1992. The Region approved O.P.A. 113, in part, on October 5, 1993. The Region referred part of the amendment to the Ontario Municipal Board in response to a request by the Hamilton Harbour Commissioners who were concerned that their shipping and navigation and "port development" uses were not adequately protected and specifically objected to a commercial designation on their lands. This matter is awaiting a hearing at the Board.

### **Official Plan Amendment No. 66 - Central Area Plan**

The Hamilton Harbour Commissioners, requested referral of certain policies of Official Plan Amendment No. 66 - Central Area Plan perceived to impact on the Harbour, on the basis that:

*"the Amendment does not adequately recognize or protect the importance of shipping, navigation and port development in the waterfront of Hamilton and proposes uses and activities which will adversely affect shipping, navigation and port development."*

It should be noted that the term "port development" which is used by the Harbour Commissioners in most of their submission was not a part of the Griffiths decisions and was never defined therein.

This O.P.A. was referred to the Ontario Municipal Board by the Region in June, 1990, and is awaiting a hearing.

### **Official Plan Amendment No. 80**

Official Plan Amendment No. 80 was adopted by City Council on December 13, 1989. The purpose of the amendment is to update the Official Plan to more current standards and to incorporate a number of changes to the Plan as a result of a comprehensive review. As a result of the Region's circulation, the City was asked to comment on a number of modifications proposed to the amendment from various agencies (including the Hamilton Harbour Commissioners). The City supported most of the modifications proposed by the Region, including a number proposed to address the concerns of the Harbour Commissioners. City Council, on August 25, 1992, endorsed the proposed modifications with some refinements.



Regional Council, at its meeting of May 18, 1993, referred Official Plan Amendment No. 80 to the City of Hamilton. This matter was considered by the Planning and Development Committee at their meeting of June 23, 1993. Following a lengthy discussion, the Committee made the following recommendation to Council:

- "5. (a) *That City Council request Regional Council to support Amendment No. 80 to the City of Hamilton Official Plan as approved by City Council at its meeting of 1992 August 25, attached hereto as Appendix "E", in its entirety, and;*
- (b) *That Regional Council also be requested to deem the objections of the Harbour Commission as frivolous."*

City Council, at its meeting of June 29, 1993, adopted the foregoing resolution of the Planning and Development Committee.

Consequently, Regional Council approved the amendment in its entirety on August 17, 1993 as noted in the Background.

#### **Official Plan Amendment No. 87 - Policy A.2.7.2**

Official Plan Amendment No. 87 proposes a modification to Policy A.2.7.2 of the Official Plan to clarify the definition of the "Utilities" as it applies to Piers 25 to 27. Policy A.2.7.2, as noted previously, was referred to the Ontario Municipal Board at the request of the Hamilton Harbour Commissioners. Since this Amendment amends a matter still before the Ontario Municipal Board, it was referred directly to the Board (October, 1991) to ensure that the two issues will be dealt with at the same time.

#### **By-law No. 90-149**

This by-law was undertaken in tandem with Official Plan Amendment No. 87. The purpose of By-law 90-149 is to clarify the intent of the "F-3" (Marine Transportation Services) District and the "F-4" (Waterfront Services) District with respect to the jurisdiction of the Hamilton Harbour Commissioners for shipping and navigation matters. It was passed by City Council on May 8, 1990, and since there were no objections, subsequently came into effect. By-law No. 90-149 repeals two of the Harbour by-laws still under appeal at the Ontario Municipal Board.

With the approval of this by-law, there appears to be little in dispute with the remaining by-laws before the Board.



## Other Related Matters

The technical report prepared in consideration of Official Plan Amendment No. 87 and By-law No. 90-149 (dated March 27, 1990), noted that while there were a number of outstanding appeals before the Ontario Municipal Board, it had been agreed to hold a hearing in abeyance pending discussions between the City and the Hamilton Harbour Commissioners. Between 1983 and 1988 a series of meetings took place between the City staff and the staff, consultants and legal counsel of the Harbour Commissioners. By June of 1988 however, a satisfactory resolution had not been reached and City Council directed the City Solicitor to take the necessary steps to proceed with an Ontario Municipal Board hearing. A Hearing was scheduled to commence on May 22, 1990.

Prior to the Committee's consideration of O.P.A. No. 87 and By-law 90-149 on May 2, 1990, the City was advised by the Harbour Commissioners legal counsel (April 12, 1990) that the Commissioners requested the Ontario Municipal Board to postpone the scheduled May 22, 1990 hearing citing the possible resolution of outstanding objections.

Following this, legal counsel for the Harbour Commissioners advised that they had agreed not to object to the proposed Official Plan Amendment and zoning by-law on the "assumption that planning staff will recommend the following matters to City Council". These matters included:

- to further modify the proposed "H" District zoning for the HHC office building on James Street North to permit a restaurant in conjunction with the office uses;
- to amend the Official Plan to redesignate Centennial Pier (Pier 8) from "Open Space" to "Utilities" and rezone from the proposed "F-1" (Waterfront Recreational) District to the "F-4" (Waterfront Services) District in recognition of the Commissioners intent to maintain this area as an active pier;
- to amend the Official Plan and change the proposed zoning for lands bounded by Wellington Street, Emerald Street, Burlington Street and the service road from "F-4" (Waterfront Services) District to "J" (Light and Limited Heavy Industrial, etc.) District; and,
- to change the Official Plan to "Industrial" and proposed zoning on Pier 25 (East Port) from "F-3" (Marine Transportation Services) District to "M-15" (Prestige Industrial) District.

The Committee, at their meeting of May 2, 1990, recommended approval of O.P.A. No. 87 and By-law 90-149. In their deliberation of these matters, the Committee also considered the Harbour Commissioners request for certain amendments they would like to see made in areas of the Harbour (noted above), and requested the Commissioners come forward with a specific zoning application. To date no application has been received.



## SUMMARY:

Since the decision of Justice Griffiths in 1976, there have been numerous objections and referrals to the Ontario Municipal Board of City Official Plan policies and amendments and zoning by-laws by the Hamilton Harbour Commissioners. The Harbour Commissioners have, in general, requested these various referrals on the basis that the City was attempting to regulate the Harbour for shipping and navigation contrary to the Court's decision, notwithstanding the City's position that this was not the case.

To date, the matters regarding the Harbour awaiting a hearing at the Ontario Municipal Board (see APPENDIX "A" attached) are:

- **Policy A.2.7.2 of the Official Plan and the "Utilities" designation on Schedule "A" as it applies to the East Port (Piers 25, 26 and 27);**
- **Official Plan Amendment No. 66 - Central Area Plan;**
- **Official Plan Amendment No. 87 - Utilities Designation;**
- **Official Plan Amendment No. 113 - Hamilton Beach Neighbourhood Plan;**
- **By-law No. 83-231 - adds a new section (12A) to By-law No. 6593, the "F-1" (Waterfront Recreational) District including permitted uses etc.;**
- **By-law No. 83-257 - minor wording changes to By-law 83-231;**
- **By-law No. 83-232 - adds a new subsection (17B(1)) to Section 17B By-law 6593, the "L-f-1" (Planned Development - Waterfront Recreation) District;**
- **By-law No. 83-234 as it applies to Pier 8 - rezones lands along waterfront from west of Ferguson Avenue to western end of Burlington Street from "F", "J", and "F" to "F-1" District;**
- **By-law No. 83-238 - adds definition of "Harbour Baseline" and a new schedule to the by-law showing its limits, modifies certain clauses of Section 3 (Application of the By-law) to clarify jurisdiction of the Hamilton Harbour Commissioners;**
- **By-law No. 83-239 repealed by 90-149;**
- **By-law No. 83-258 repealed by 90-149;**



- **By-law No. 83-240** - rezones Beach Strip (Interchange lands) from "J" and "K" to "A", rezones Pier 27 from "AA" to "A" and Piers 25 and 26 from "AA" to "F-3" (Marine Transportation Services) District, establishes "K" zoning on previously unzoned lands on Piers 15 to 24, rezones Piers 10 to 14 from "J" and "K" to "F-4" and "F-4" modified, rezones HHC building at James and Guise from "D" to "H", rezones lands in west Harbour from "K" to "A" and zones the open water area of the Harbour as "F-2" (Open Space Harbour) District and Windermere Basin "L-s" (Planned Development - Special Study) District;
- **By-law No. 83-259** - minor amendments to By-law 83-240; and,
- **By-law No. 84-97** - amends By-law 83-240 by clarifying intent to permit the alteration and extensions of **existing dwellings** on lands in the vicinity of Wentworth Street, north of Burlington Street.

CLF/  
OPA80



**APPENDIX "A"****SUMMARY OF HARBOUR MATTERS****BEFORE THE ONTARIO MUNICIPAL BOARD**City of Hamilton Official Plan

- **Policy A.2.7.2 of the Official Plan and the "Utilities" designation on Schedule "A" as it applies to the East Port (Piers 25, 26 and 27)**
  - permits shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and marine related industry or commercial that demonstrates operational need for proximity and access to the Harbour on above-noted Piers as well as Piers 10 to 14
- **Official Plan Amendment No. 66 - Central Area Plan**
  - "secondary" or more detailed plan for the Central Area - designates lands along the waterfront for "Waterfront Recreation" with an overlay of "Shipping and Navigation" on the Harbour Commissioners lands - "Waterfront Recreation" policies address the interface of the harbour and the residential uses of the north end and encourages recreation and related activities, pedestrian links within and to the downtown, and urban design considerations - "Shipping and Navigation" overlay on the Harbour Commissioners lands specifically recognizes the operations of the Harbour Commissioners on their lands. It does provide that if and when the Harbour Commissioner no longer require these lands for shipping and navigation, then they should be developed in accordance with the "Waterfront Recreation" policies
- **Official Plan Amendment No. 87 - Utilities Designation**
  - amends Policy A.2.7.2 (Utilities) as it applies to Piers 10 to 14 and 25 to 27 inclusive to clarify the intent of the Official Plan respecting land use jurisdiction for those lands designated "Utilities" in the Hamilton Harbour
- **Official Plan Amendment No. 113 - Hamilton Beach Neighbourhood Plan**
  - this amendment replaces Official Plan Amendment No. 62 (noted above). It redesignates Harbour Commissioners' lands "Canal Recreation" to reflect approved Neighbourhood Plan to encourage recreational-oriented and water related commercial uses. There is a specific statement to recognize the Hamilton Harbour Commissioners' jurisdiction with respect to shipping and navigation uses. This amendment is currently under circulation by the Region. The Harbour Commissioners have not formally objected to this amendment, however they did object to the Neighbourhood Plan.



### Zoning By-laws

- **83-231** - adds a new section (12A) to By-law No. 6593, the "F-1" (Waterfront Recreational) District including permitted uses etc.
- **83-257** - minor wording changes to By-law 83-231
- **83-232** - adds a new subsection (17B(1)) to Section 17B By-law 6593, the "L-f-1" (Planned Development - Waterfront Recreation) District
- **83-234** as it applies to Pier 8 - rezones lands along waterfront from west of Ferguson Avenue to western end of Burlington Street from "F", "J", and "F" to "F-1" District
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- **83-259** - minor amendments to By-law 83-240
- **84-97** - amends By-law 83-240 by clarifying intent to permit the alteration and extensions of **existing dwellings** on lands in the vicinity of Wentworth Street, north of Burlington Street

CF/  
OPA80



7.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 27 1994

**DATE:** 1994 April 26

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** P. Noé Johnson,  
City Solicitor

**SUBJECT:** Securities with Respect to Site Plan Control

**RECOMMENDATION:**

That Item 5A of the 4th Report of the Planning and Development Committee, adopted by City Council on March 8, 1994 be amended by deleting paragraphs (b), (c), (d), (g), (h) and (j) and substituting the following therefor:

- (b) The owner shall provide the City with financial security for 75% of the estimated cost of the exterior works required by the approved Site Plans (exclusive of the building(s));
- (c) The owner shall provide such security in the form satisfactory to the City Treasurer and prior to the City's execution of the Site plan Agreement. The security, if necessary, shall be used to complete and/or rectify works in accordance with the approved site plans and restore adjacent municipal property damaged during construction. Costs in excess of the security held shall be paid by the owner and, if necessary, added to the tax roll for recovery in the same manner as taxes;
- (d) Notwithstanding items, (b) and (c) above, City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Boards projects, from providing securities;
- (g) Site Plan Agreements will be required to be registered on title;
- (h) A Building Permit shall be issued only after
  - security has been received by the City Treasurer;
  - a lawyer's Certificate has been received confirming registration of the Site Plan Agreement and an Easement in favour of the City;
  - the other usual requirements for the permit are fulfilled;



- (j) Where the Building Commissioner is satisfied with,
  - (i) a professional Engineer's certificate that the grading and retaining walls shown on a Site Plan Agreement have been completed; and
  - (ii) a professional Engineer's, Architect's or Landscape Architect's Certificate that the balance of the required exterior works have been completed, then the Building Commissioner may request the City Treasurer to release the security held under a Site Plan Agreement to the current owner (provided that the owner's lawyer certifies that the owner requesting the refund is the current owner);
- (k) The Planning and Development Committee forward its concerns about the licensing of Public Parking Lots to the Clerk's Department and the Finance and Administration Committee;
- (l) The Building Department deal with maintenance issues arising out of registered Site Plan Agreements.



P. Noé Johnson

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A***

***BACKGROUND:***

On March 2, 1994 a report concerning securities for site plans was reviewed by the Planning and Development Committee and subsequently adopted by City Council through the attached resolution.

Pursuant to the request of the Planning and Development Committee, City staff met to specifically review:

- (1) the amount of security required by the City to secure the obligations under a Site Plan Agreement; and
- (2) to determine how the City could ensure the long term maintenance of works required under a Site Plan Agreement.

In addition to the above, City staff have also reviewed several other matters concerning site plans including a proposal to deregulate the licensing of Public Parking Lots, the type of security that is appropriate for securing site plans.



**The amount of security required by the City to secure the obligations under a Site Plan Agreement**

Staff suggest that if it is the desire of the Committee and Council to minimize the amount of securities requested of developers for the works required under a site plan and still hold enough securities to ensure that the works are completed, that the City could hold as security, 75% of the value of works required. As was indicated in the report reviewed by the Committee in March of this year, staff suggest that there should not be reductions of security until all works under a site plan have been completed.

If Committee and Council wish to implement a reduction in the securities held under Site Plan Agreements from the current figure of 100%, they may also wish to consider whether it is appropriate to make such a policy retroactive to all Site Plan Agreements which have required 100% security.

**How the City could ensure the long term maintenance of works required under a Site Plan Agreement**

The only way for the City to ensure that works required under a Site Plan Agreement are maintained over time, is to register all Site Plan Agreements and the related easements in favour of the City which allow City staff and agents to enter the relevant property for an indefinite period of time. The registration of such documents will be beneficial as it will give notice to potential purchasers of properties that have been developed under the site plan process of the ongoing responsibility for maintenance of the subject lands.

City staff prepared a revised Site Plan Agreement further to meeting with the Local Land Registrar such that the registration of Site Plan Agreements and the related easements to allow the City access to a site can be completed with minimal inconvenience, cost and delay.

**"Garage D" Licences and Parking Lots**

Since our initial report concerning site plans was submitted to the Planning and Development Committee in March of this year, it has come to our attention that the Licensing Division of the Clerk's Department had prepared a draft report proposing that the City no longer license parking lots. The related report to the Finance and Administration Committee has been temporarily put on hold pending the submission of this report to the Planning and Development Committee.

In response to concerns related to Public Parking Lots, the Planning and Development Committee approved in principle a resolution which was subsequently approved by Council on November 9, 1993 through the introduction of By-law No. 93-261 respecting front yard setbacks and landscaping. Under the same resolution which created By-law No. 93-261, Council required:



- (a) that the Licensing Division of the City Clerk's Department be directed to hold in abeyance the issuance of a "Garage D" licence for new parking lot development, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required; and
- (b) that Site Plans for all new parking lots are to be registered on title with the land.  
*(Item 3C of the 17th Report of the Planning and Development Committee, adopted by City Council on November 9, 1993)*

If City Council was to deregulate the licence process for Public Parking Lots it would be possible for owners of lands that are already zoned for parking lot uses to refuse to enter into a Site Plan Agreement with the City. If, however, a licence is required to operate a parking lot, site plan approval can be required as a prerequisite to the issuance of a licence. Therefore, it is recommended that the licensing process for Public Parking Lots be continued.

**The type of security that is appropriate for site plans and interest on same**

Having conferred with the City Treasury Department concerning the type of security that is appropriate for site plans and interest on same, staff suggest minor amendments to the current Council resolution on site plans to authorize the Treasury Department to accept appropriate securities for site plans. The Treasury Department has indicated that it will implement, if necessary, policies concerning interest on securities.

AZ:js  
Attach





Subjoined is a certified true copy of Item 5 of the FOURTH Report of the Planning and Development Committee adopted by City Council at its meeting held 1994 March 8.

5. A. That the following be adopted and included in the City's Site Plan Agreements to implement Council's May 11, 1993 decision requiring security in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lanes, parking areas, fences and landscaping, etc.) are constructed and are in accordance with the approved Site Plans:
- (a) The owner shall provide cost estimates of the required exterior works prepared by a qualified architect, landscape architect or professional engineer satisfactory to the Commissioner of Transportation/Environmental Services;
  - (b) The owner shall provide the City with financial security for 100% of the estimated cost of the exterior works required by the approved Site Plans (exclusive of the building(s));
  - (c) The owner shall provide such security in the form of cash or an irrevocable Letter of Credit satisfactory to the city Treasurer and prior to the City's execution of the Site Plan Agreement. The security, if necessary, shall be used to complete and/or rectify works in accordance with the approved site plans and restore adjacent municipal property damaged during construction. Costs in excess of the security held shall be paid by the owner and, if necessary, added to the tax roll for recovery in the same manner as taxes;
  - (d) Notwithstanding items (ii) and (iii) above, City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Boards projects, from providing securities;
  - (e) The exterior works required by the Site Plans shall be completed by the owner within three months of first occupancy, prior to the use of the land in connection with any licence that has been issued or is to be issued and used in relation to the land, or within twelve months of commencement of construction, including buildings, whichever is earlier. A request in writing for an extension to this time limit may





be requested from the Building Commissioner prior to the expiry date;

- (f) The owner shall grant an Easement to the City free and clear of encumbrances, to permit the City or its agent to enter the property to complete and/or rectify exterior works required by the Site Plans. The Easement in favour of the City and the Site Plan Agreement shall be prepared by the owner's lawyer in a form satisfactory to the City Solicitor. The owner's lawyer shall certify to the City in a form satisfactory to the City Solicitor, that the Site Plan Agreement and the Easement have been entered into by the registered owner of the land and that the Easement has been registered by the owner's lawyer free and clear of encumbrances;
- (g) Generally, Site Plan Agreements will not be required to be registered on title. (the Building Department, Planning Department and Roads Department are of the opinion that the combined requirements of securities and a registered Easement in favour of the City will be sufficient to ensure that exterior works are completed according to approved site plans without site plan registration on title.) The City always has the right to require registration of Site Plan Agreements on a site by site basis where circumstances warrant;
- (h) A Building Permit shall be issued only after
  - security has been received by the City Treasurer;
  - a lawyer's Certificate has been received confirming execution of the Site Plan Agreement and registration of the Easement;
  - the other usual requirements for the permit are fulfilled;
- (i) Security will be retained by the City until all of the works and facilities required in the Site Plan Agreement are completed - notwithstanding any interim sale of the land;
- (j) Where the Building Commissioner is satisfied with,
  - (i) a professional Engineer's certificate that the grading and retaining walls shown on a Site Plan Agreement have been completed; and
  - (ii) a professional Engineer's, Architect's or Landscape Architect's Certificate that the balance of the required exterior works have been completed, then:
    - (a) a discharge of the City's Easement and a discharge of the Site Plan Agreement (if



registered), prepared by the owner's lawyer may be executed by the City for the owner to register;

- (b) the Site Plan Agreement is deemed discharged by the City and the Building Commissioner may request the City Treasurer to release, without interest, the security to the current owner (provided that the owner's lawyer certifies that the owner requesting the refund is the current owner); and
  - (c) the owner of the land has no further obligations to the City under the Site Plan Agreement.
- B. That the current procedure of an owner signing undertakings on Site Plans be replaced with the above requirement that the approved plans be attached to a Site Plan Agreement signed by the owner and the City.
- C. That for large projects, to be constructed over a period of time, staff be authorized to identify independent geographic phases (if any) of a development and allocate security required for each phase, provided that such a phase can exist independently or in conjunction with previous or concurrently completed phases. The owner must provide satisfactory security prior to obtaining a building permit for any subsequent phase.

The individual phases of such a development will be treated as if each phase were a separate site plan. Each phase would have to include all works and facilities such that it could exist if no other phases of the development proceeded. The securities for a phase could then be returned independent of other phases. Each phased development shall be dealt with on a site by site basis.

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CITY CLERK







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2nd Floor  
Hamilton Public Library

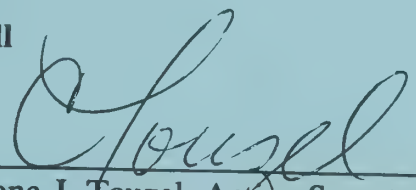
**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1994 May 25**

**9:30 o'clock a.m.**

**Room 233, City Hall**

  
Charlene J. Touzel, Acting Secretary  
Planning and Development Committee

**A G E N D A**

**PUBLIC MEETING**

**9:30 O'CLOCK A.M.**

1. City Initiative 94-A, for a general text amendment to the City of Hamilton Zoning By-Law No. 6593, respecting the use of tents for temporary business uses
2. Zoning Application 93-42, A. Kumar, owner, for a change in zoning from "AA" District to "C" District, for lands located at the rear of No. 1094 Upper Sherman Avenue; Thorner Neighbourhood
3. Amendment to the Official Plan and Amended Zoning Application 93-43, A. Kumar, owner, for a modification to the "AA" District regulations, for lands located at the front of No. 1094 Upper Sherman Avenue; Thorner Neighbourhood

**9:45 O'CLOCK A.M.**

4. Zoning Application 94-07, Homes By Desantis Inc., prospective owner, for a change in zoning from "AA" District to "RT-20" District, modified, for lands located at No. 819 Upper Paradise Road; Gilkson Neighbourhood

5. **DELEGATION**

Concerns of New Street Residents re: Taco Bell Development on Main Street West







**COMMISSIONER OF PLANNING AND DEVELOPMENT**

6. City Initiative 90-F, consideration of the elimination of the reduced parking standards for new commercial development and/or redevelopment in the Central Business District, and the application of the "Cash in-Lieu" of Parking Policy
7. City of Hamilton's Special Legislation regarding the Demolition of Designated Heritage Properties

8. **BUILDING COMMISSIONER/DIRECTOR OF PROPERTY**

Administrative Fees and Functions Pursuant to City of Hamilton By-law No. 84-35 - Contractors for Cutting Grass and Removing Debris from Private Property

9. **BUILDING COMMISSIONER**

Barton Street Development Corporation

10. **DIRECTOR OF PUBLIC WORKS/DIRECTOR OF LOCAL PLANNING**

Revitalization of Ferguson Avenue - Barton to Cannon Streets

a) Submission - Beasley Neighbourhood Association

11. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

St. George's Anglican Church - Designation

12. **SENIOR DIRECTOR, ROADS DEPARTMENT/BUILDING COMMISSIONER**

Lot Grading Control with Respect to Land Severance Applications Creating One, Two and Three Lots

13. **CONSENT AGENDA**

14. **PRIVATE AND CONFIDENTIAL AGENDA**

15. **OTHER BUSINESS**

16. **ADJOURNMENT**







## PLANNING AND DEVELOPMENT COMMITTEE

### OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
3.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
4.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
5.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
6.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending







<b>No.</b>	<b>Item</b>	<b>Original Date</b>	<b>Action</b>	<b>Status</b>
7.	Closure of Walkway between Fonthill Road and Upper Paradise Road	1993 November 3	Transport and Environment Committee	Awaiting recommendation on assumption of walkway
8.	Review of Parking Lot Regulations - Minimum lighting requirement for safety	1993 November 3	Planning	Report Pending
9.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
10.	Demolition permits for one & two family dwellings	1994 March 23	Law Department	Referred to staff for legal review
11.	Mayor's Task Force on Downtown Issues.	1994 April 16	Various Departments	Reports forthcoming to Committee.
12.	ZA-94-03 180 Walnut Street South	1994 April 20	Applicant	Amended application to be brought back to Committee.
13.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.

Tina Agnello, Secretary  
1994 May 19







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

1

**DATE:** 1994 May 16

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City Initiative 94-A - Review of the temporary use of tents  
for business purposes.

**RECOMMENDATION:**

That approval be given to City Initiative 94-A, for a general text Amendment to Zoning By-law No. 6593, to permit the temporary use of tents for business purposes, on the following basis:

- i) That Subsection 4.(2) of Zoning By-law No. 6593, as amended, be further amended by deleting the Subsection in its entirety and replacing it with the following:
  - "4. (2) The use of tents for human habitation or for business or other purposes is hereby prohibited, except as follows:
    - (a) The above provision shall not apply to the use of tents for summer camps, and for circuses and other like uses of a transient nature;
    - (b) The above provision shall not apply to the use of tents for childrens play, or for picnics or other such temporary non-business purposes;
    - (c) The above provision shall not apply to the temporary use of tents within a "G", "G-1" or "G-2" District, for business purposes, provided that:
      - (i) the temporary business uses shall be restricted to accessory uses, only in conjunction with an established permitted use;
      - (ii) a temporary business use within a tent shall be permitted for a period not to exceed 120 days annually; and,



- (iii) any tent, or combination of tents, used for temporary business purposes on any one lot, shall not occupy more than 10 % of the total number of parking spaces provided on the lot."
- ii) That Section 18 of Zoning By-law No. 6593, as amended, be further amended by adding the following paragraph to the end of the existing Subsection 18.(3)(vi)(f):
 

"Notwithstanding the above, a fence may be temporarily erected or maintained in conjunction with a tent erected in accordance with Subsection 4(2)(c), to a height of not more than 2.2 m.";
- iii) That Section 18A of Zoning By-law 6593, as amended, be further amended by adding a new Subsection 18A(41), to read as follows:
 

"18A(41) The provisions of Subsection 18A(1) shall not apply to temporary accessory business uses established within a tent in accordance with Subsection 4.(2)(c). Furthermore, notwithstanding Subsection 18A(1), the number of required parking spaces may be temporarily reduced on any lot, to provide for a tent for temporary business uses established in accordance with Subsection 4.(2)(c).";
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- iv) That the proposed amendment to Zoning By-law No. 6593 is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593, regarding the temporary use of tents for business purposes.

The effect of the By-law is to permit the temporary use of tents for business purposes within "G" (Neighbourhood Shopping Centre), "G-1" (Designed Shopping Centre) and "G-2" (Regional Shopping Centre) Districts, provided that:

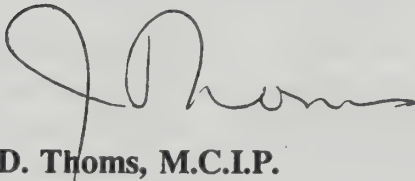
- temporary business uses shall be for accessory uses only, in conjunction with an established permitted use;
- temporary business uses within a tent shall be permitted for a period not to exceed 120 days annually; and,



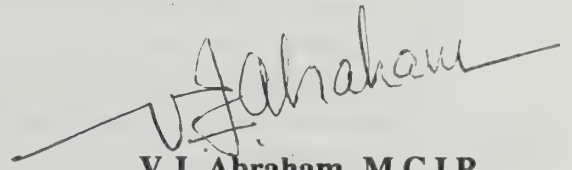
- any tent, or combination of tents, used for temporary business purposes, shall not occupy more than 10 % of the total number of parking spaces provided on the lot.

In addition, the general text amendment provides for:

- a temporary reduction in required parking for the primary commercial use, as may be required to provide for the tents;
- an exemption from providing additional parking for the temporary business uses within tents; and,
- a fence up to 2.2 m (7.2 ft.) in height may be erected in conjunction with a temporary business use within a tent (ie. fenced enclosure), whereas the general By-law provisions allow a maximum fence height of 2.0 m (6.6 ft.).



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

As a result of a number of applications received in 1993 by the Committee of Adjustment, to allow the use of tents for temporary garden centres, in conjunction with existing grocery stores, the Building Department has requested the Planning and Development Department to undertake a review of Section 4.(2) of the Zoning By-law, which prohibits the use of tents for business purposes.

- Existing Regulations

**Official Plan and Neighbourhood Plans**

Business uses are generally designated "Commercial" by the appropriate Neighbourhood Plan and the Official Plan. Uses such as temporary garden centres would be considered accessory uses to the primary use (ie. the grocery store). Furthermore, the Official Plan is silent on the subject of tents used for business purposes. Consequently, the City Initiative would not conflict with the intent of the City of Hamilton Official Plan.



## **Zoning By-law**

Except for summer camps, circuses and other like uses, Section 4.(2) (Prohibited Uses) of Zoning By-law No. 6593, prohibits the use of tents for human habitation, business or other purposes.

## **Site Plan Control**

Business uses may, or may not be subject to Site Plan Control, depending on the particular Zoning District involved. However, it is City adopted policy not to require Site Plan approval for minor additions, alterations or accessory structures. In this regard, Site Plan Approval would not be required for temporary accessory structures.

## **Ontario Building Code**

According to the Building Department (Build-O-Gram June 21, 1993), compliance with the Ontario Building Code and building permits are required for tents, air-supported structures and temporary structures, with the exception of tents used for personal or camping purposes and not more than 30 m<sup>2</sup> in ground area. Building Permits can not regulate a specific time limit for a temporary structure, however the Building Code does define a temporary structure as one that is intended to be used temporarily, for 12 months or less.

### **Committee of Adjustment Applications A-93-62 to 66**

In the spring of 1993, the Committee of Adjustment received the above applications to permit tents to be used for temporary garden centres at various Fortinos grocery stores throughout the City. The tents varied in size from approximately 56 m<sup>2</sup> (600 sq. ft.) to 168 m<sup>2</sup> (1,800 sq. ft.). The garden centres also included 2.13 m (7 ft.) Frost fence enclosures, which ranged in size from 84 m<sup>2</sup> (900 sq. ft.) to 112 m<sup>2</sup> (1,200 sq. ft.). Variances were required for the fences, since the Zoning By-law permits a maximum height of 2.0 m (6.56 ft) for fences. As is generally the case with this type of seasonal use, the garden centres were erected in the parking lots of the grocery stores, therefore temporarily reducing the number of available parking spaces. However, based on the information submitted with the applications, the reduction in the number of parking spaces appears to be minimal (between 3.7 % and 6.9 % of available parking). Two of the five applications required variances to temporarily reduce the required parking by 14 spaces. (A map showing a typical temporary garden centre is attached as APPENDIX "A".)

On April 14, 1993, the Committee granted the applications to allow the garden centres to be erected for a maximum period of 90 days. The approval was granted for a period of one year, therefore, the relief expired on April 14, 1994.



- Committee of Adjustment Applications A-94-41 to 42

On April 13, 1994, the Committee of Adjustment again considered a number of applications from Fortinos to establish temporary garden centres, within tents, in conjunction with established grocery stores. The applications were similar to the 1993 applications. The tents ranged in size from approximately 56 m<sup>2</sup> (600 sq. ft.) to 139 m<sup>2</sup> (1,500 sq. ft.) and also included fenced enclosures. Variances were again granted by the Committee of Adjustment to provide for the garden centres for a maximum 90 day period annually. However, the relief was granted for these applications for a three year period, and will therefore be in effect until the end of 1996.

- Survey of Municipalities

A survey of various Municipalities was undertaken to determine how they regulate the use of tents for business purposes (see APPENDIX "B"). Of the sixteen municipalities surveyed, thirteen allow tents to be used temporarily for business purposes, and three prohibit the use of tents for business purposes.

Of the 13 municipalities that allow the temporary use of tents for business purposes, only Burlington specifically addresses tents in their Zoning By-law [ie. tents permitted only for children's play, carnival or carousel uses (7 days), one day special occasion, in conjunction with permitted use for special occasion sale of goods (14 days), in case of disaster, commercial or industrial renovations (up to 6 months)]. The other municipalities do not prohibit the use of tents and, therefore, regulate the use of tents as any other structure or accessory structure through their Zoning By-law (ie. setbacks, permitted uses, etc.) and the Ontario Building Code. Most municipalities do not have a formal time limit for the use of tents, however, Etobicoke and Waterloo have policies to permit them for 7 days and 60 to 90 days, respectively.

- Review of Options

Three options were identified regarding the regulation of business uses within tents. The first option was to maintain the status quo, the second option was to permit the temporary use of tents for seasonal accessory business uses with a restriction to size, and the third option was to permit the temporary use of tents for accessory business purposes with no restriction to size.

The three options were circulated and reviewed by affected agencies (ie. Building Department, Traffic Department, Licensing Division and Regional Roads Department). As a result of the comments received and consultations with circulated agencies, the second option, to permit the temporary use of tents for temporary business purposes, was identified as the "preferred option" and refined to reflect the agency comments. This second option originally included a maximum area for temporary tents, however, it was decided that a maximum coverage (ie. 10 % of the total parking spaces) would be more effective. Also, the time period of 120 days was thought to give greater flexibility to cover seasonal products, than the original recommendation of 90 days.



**COMMENTS:**

1. The preferred option can be supported on the following basis:
  - it would not conflict with the intent of the Official Plan;
  - it would not conflict with the intent of Section 4.(2) of the Zoning By-law, to prevent business uses from being permanently established within tents;
  - it would allow permitted business uses to provide for the establishment of temporary accessory uses within tents (ie. seasonal uses that typically require outside storage and display);
  - it would ensure that the uses remain temporary, due to the 120 day time limits;
  - it would omit transient vendors, such as those that set up in parking lots but are not associated with any business located on the property, due to the restriction to accessory uses only in conjunction with an established permitted use; and,
  - it would ensure that the size of the tents are minimal and that the impacts are minimized, due to the limitation to occupancy of no more than 10 % of the total number of parking spaces.
  
2. In order to ensure that the business uses remain temporary and accessory, and to minimize impacts, the general text amendment to the Zoning By-law should restrict temporary business uses within tents as follows:
  - the use of tents for business purposes should be restricted to "G" (Neighbourhood Shopping Centre), "G-1" (Designed Shopping Centre) and "G-2" (Regional Shopping Centre) Districts, where there is adequate area to provide for them. This is consistent with past experience, in that applications for variances have been for shopping centres in these Districts (ie. Fortinos applications);
  - to restrict business uses within tents to accessory uses only, in conjunction with an established permitted use, for a period not to exceed 120 days annually. Based on previous proposals, these restrictions are considered to be adequate to provide for seasonal type uses (ie. would cover the growing season for garden centres); and,
  - tents for temporary business purposes on any one lot should not occupy more than 10 % of the total number of parking spaces provided. This is adequate to provide for tents based on the sizes requested in past applications (ie. tents occupying 3.7 % to 6.9 % of the parking provided) and is also consistent with comments received from the Traffic Department.



Further, to accommodate the temporary business uses, the general text amendment should also provide for:

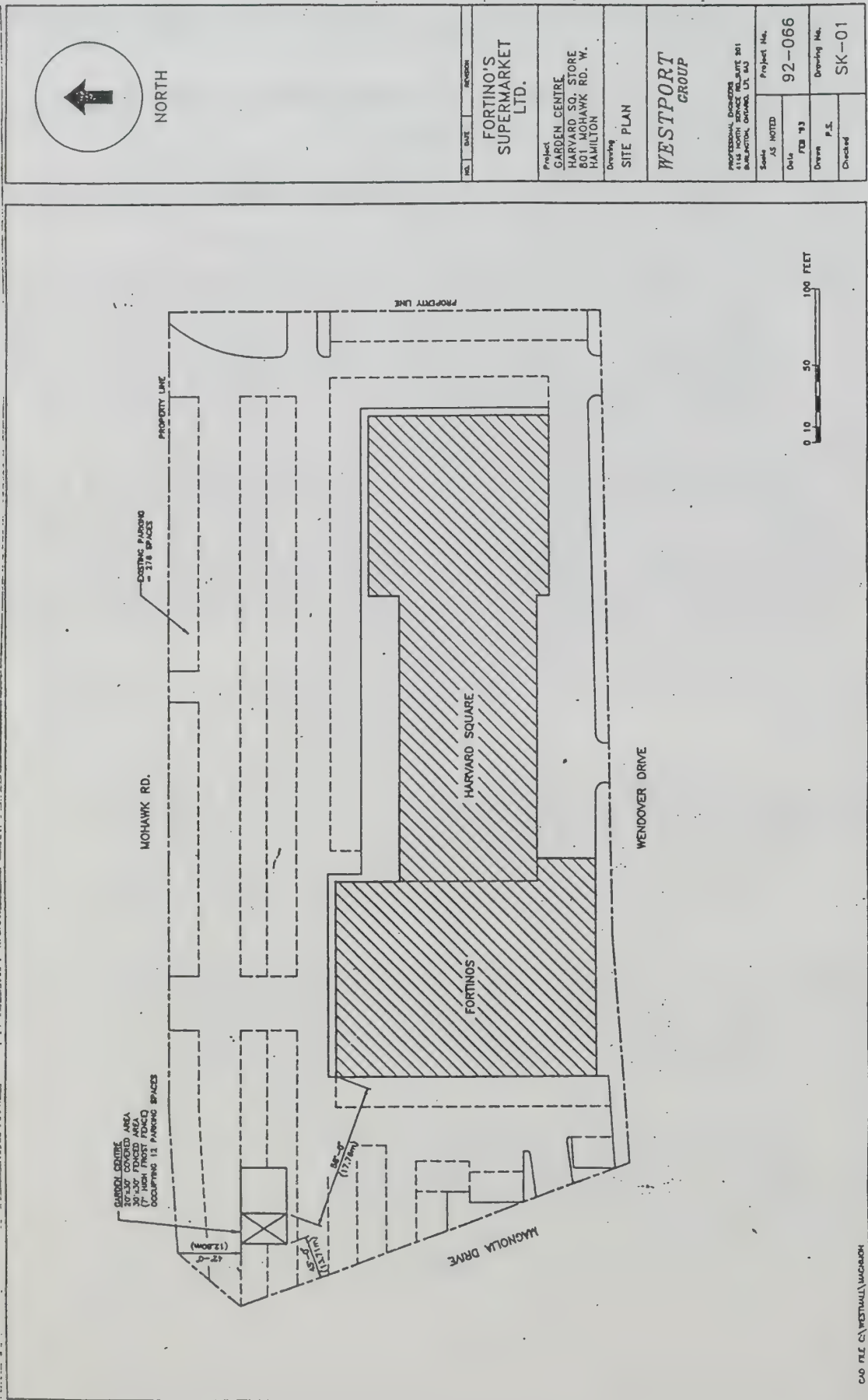
- a temporary reduction in required parking for the primary commercial use, as may be required to provide for the tents;
  - an exemption from providing the additional parking required for the temporary business use within the tents; and,
  - a 2.2 m high fence (ie. fenced enclosure) to be erected in conjunction with a temporary business use within a tent, whereas the general By-law provisions allow a maximum fence height of 2.0 m. This provision is adequate to provide for the type of fenced enclosures requested in connection with previous Committee of Adjustment applications for temporary tents (ie. Fortinos applications).
3. The Traffic and Regional Roads Departments have recommended that any applications for building permits for temporary business uses within tents should be informally circulated to the Traffic Department for approval. Since, Site Plan approval is not required for minor additions, alterations or accessory structures, this circulation would enable the Traffic Department to ensure that the proposals are acceptable regarding site access and traffic circulation. In this regard, the Traffic Department has prepared a set of guidelines for this purpose (see APPENDIX "C").

### ***CONCLUSION:***

On the basis of the foregoing, City Initiative 94-A, to allow the temporary use of tents for accessory business purposes, can be supported.

CL-M





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**Temporary Use of Tents For Business Purposes - Survey of Municipalities**

<u>Municipality</u>	<u>Does Zoning By-law Permit Temporary Use of Tents For Business Uses?</u>	<u>Length of Time Permitted</u>
Ancaster	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Brantford	<b>Yes</b> - not prohibited.	No time limit.
Burlington	<b>Yes</b> - Permits tents only for children's play, carnival or carousel uses (7 days), one day special occasion, in conjunction with permitted use for special occasion sale of goods (14 days), in case of disaster, commercial or industrial renovations (up to 6 months).  Shall not be located in required landscape strip and shall be 3m from street line.	14 days annually
Cambridge	<b>No</b> - By-law prohibits use of tents for business purposes.	N/A
Dundas	<b>No</b> - By-law prohibits use of tents for business purposes.	N/A
Etobicoke	<b>Yes</b> - for display purposes only. Regulated as accessory structures.	7 day periods
Kitchener	<b>Yes</b> - not prohibited.	None - subject to building permit.
London	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Mississauga	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Oakville	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Oshawa	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Scarborough	<b>No</b> - By-law prohibits use of tents for business purposes.	N/A



St. Catharines	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Stoney Creek	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.
Waterloo	<b>Yes</b> - not prohibited.	Temporary - no formal time limit, generally allowed for 60 - 90 days.
Toronto	<b>Yes</b> - not prohibited.	Temporary - no formal time limit.



Criteria for Establishing the Location of Temporary Tents for Business Purposes

1. The location of the temporary business use and/or the fenced enclosure erected in conjunction with the temporary business shall be restricted to those areas presently designated as parking spaces.
2. Any tent or combination of tents, used for temporary business purposes and/or the fenced enclosure erected in conjunction with the temporary business, shall not occupy more than 10% of the total number of parking spaces provided on the lot.
3. Any tent or combination of tents, used for temporary business purposes and/or the fenced enclosure erected in conjunction with the temporary business, shall not be located immediately adjacent to any main access driveway.
4. Any tent or combination of tents, used for temporary business purposes and/or the fenced enclosure erected in conjunction with the temporary business, shall not be located in such a manner that obstructs motorists visibility while entering or exiting the parking area.
5. All requests to establish a temporary business use in a tent or combination of tents shall be submitted to the Traffic Department for the approval of the Director of Traffic Services prior to the issuance of a Building Permit.







2

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 11, 1994  
ZAC-93-42  
Thorner Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning for lands located at the rear  
of No. 1094 Upper Sherman Avenue.

**SECOND REPORT**

**RECOMMENDATION:**

That approval be given to Zoning Application 93-42, Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings in conjunction with lands to the west, for property located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A", on the following basis:

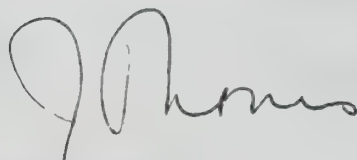
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-27A for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the lands located at the rear of 1094 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent.





**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant has applied for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A".

The applicant intends to file a land severance application to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent (See Appendix "B").

- Zoning Application 93-43

At the April 6, 1994 meeting of Planning and Development Committee, Zoning Application 93-43 was **tabled** in order to allow the applicant to meet with both Ward Alderman and Staff to reach a compromise.

The applicant has amended Zoning Application 93-43. The amended application requests a modification to the established "AA" (Agricultural) District to permit limited commercial uses on the lands located at the front of No. 1094 Upper Sherman Avenue. The subject lands are presently developed as a gas bar and auto body shop under a legal non-conforming status. The amended application has been scheduled for the May 25, 1994, meeting of the Planning and Development Committee.

- Zoning Application 86-15

The applicant requested a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and carwash on the subject lands and the lands immediately to the east fronting Upper Sherman Avenue. City Council at its meeting held Tuesday, March 8, 1988, approved the Planning and Development Committee's report to deny the application as recommended.



**APPLICANT:**

Ashok Kumar, owner.

**LOT SIZE AND AREA:**

- 30.48 m (100 ft.) of lot width;
- 14.55 m (47.75 ft.) of lot depth; and,
- 433.6 m<sup>2</sup> (4775 sq. ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
to the west	Single- Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Gas Bar and former Auto Body Repair Shop	"AA" (Agricultural) District
to the south	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District, and "AA" (Agricultural) District

**OFFICIAL PLAN:**

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:



"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern, and;

iv) Support RESIDENTIAL conversion of under utilized commercial space to residential which does not undermine the primary commercial use/ function of the neighbourhood, subject to the provisions of Subsection A.2.2."

The proposal complies with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The lands are designated "Single and Double Residential" on the approved Thorner Neighbourhood Plan. The proposal complies with the intent of the Plan.

#### **RESULTS OF CIRCULARIZATION:**

- The following Agencies have no comment or objection:
  - Traffic Department;



- Union Gas; and,
- Hamilton Region Conservation Authority.

- The Building Department has advised that:

"A successful application to the Land Division Committee is required to sever this portion of lands from remaining lands."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

All outstanding servicing costs to the City/Region on Parkwood Crescent, if any, should be paid as a condition of development approval.

Comments with respect to access, maneuvering for existing uses, etc. should be received from the City of Hamilton Traffic Department. Should the existing gas station use be retained, sufficient land should be retained in its present use to ensure that the reduced maneuvering area will not result in service vehicles backing out onto Upper Sherman Avenue from the existing gas station.

In conjunction with this application, the applicant has also submitted Zoning Application 93-43."

- The Ministry of Environment and Energy has advised that:

"It is understood that the rezoning would permit the development of two residential building lots which front onto Parkwood Crescent. As noted in the application, the applicant is pursuing another rezoning for additional lands that front onto Upper Sherman Avenue. This portion of the lands is proposed to be rezoned from agricultural to commercial to allow for the development of a convenience store and gas bar.

Our records indicate that the lands which front onto Upper Sherman Avenue presently include the now defunct Upper Sherman Auto Body and Collision. Historically, the auto body shop when in operation, had numerous noise and odour complaints from nearby residents lodged against it. Accordingly, this Ministry would not recommend approval of a rezoning which allowed a residential use adjacent to what the Ministry would term a "Medium Industrial Use" with the potential for noise, odour and particulate/dust problems.

Therefore, due to the potential for land use compatibility conflicts, the Ministry feels it is premature to comment on zoning amendment #93-42 until the disposition of the second zoning application (from Agricultural to Commercial) is determined."



**COMMENTS:**

1. The proposal complies with the intent of the Official Plan and the approved Thorner Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - i) it implements the intent of the approved Thorner Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
  - ii) it represents infill within an established residential area;
  - iii) the proposed "C" (Urban Protected Residential, etc.) District is consistent with the established single-family residential character of the area; and,
  - iv) the proposal serves to complete the existing pattern of development on Parkwood Crescent.
3. The Ministry of the Environment has advised that there is a potential land use compatibility conflict which respect to the operations of the legal non-conforming auto body shop, which was located immediately to the east of the subject lands. Upper Sherman Auto Body and Collision is now closed.

The applicant has amended the application for the lands fronting Upper Sherman Avenue from "HH" (Restricted Community Shopping and Commercial) District to "AA" (Agricultural District) modified for limited commercial uses (i.e. a bank, a barber or hair dressing establishment, a neighbourhood convenience store, etc.) However, the Building Department has advised that an auto body shop may be re-established on the lands as a legal non-conforming use.

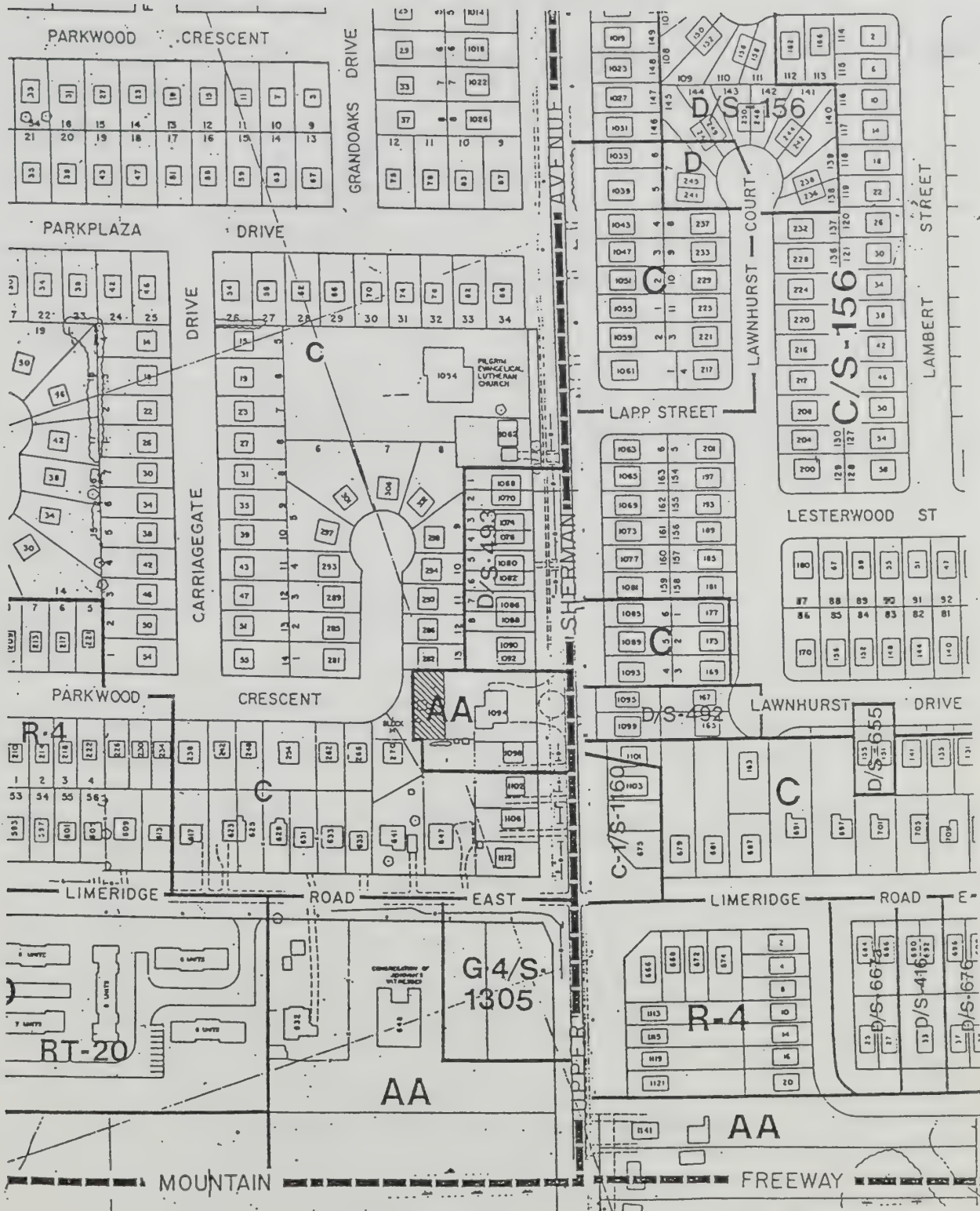
There has been no change to the boundaries of the subject lands as a result of the amended application fronting onto Upper Sherman Avenue.

**CONCLUSION:**

Based on the foregoing, the proposal can be supported.

JL/jl  
WPZAC9342





### Legend



### Site of the Application



ZAC - 93 - 42

## APPENDIX A



=8-

PART 3 PLAN 62R-9854

PARKWOOD CRESCENT

PART 2  
PLAN 62R-10942

PART 2  
PLAN 62R-9854

PART 3  
PLAN 62R-10942

BLOCK 14  
PLAN 62R-512

N46°57'50"E  
CH=9.15  
RAD=20.00  
ARC=9.25  
N20°30'40"E  
CH=9.15  
RAD=20.00  
ARC=9.25

PART 1  
PLAN  
62R-10942

13.49  
N18°11'40"E

AREA=372m<sup>2</sup>

AREA=429m<sup>2</sup>

SUBJECT LANDS  
ZAC-93-42

LOT 13  
PLAN 62R-512

23.61 - N70°04'20"W

11.21  
N70°04'20"W

30.48 - N18°11'40"E

LOT 9  
CONCESSION 6  
GEOGRAPHIC TOWNSHIP OF BARTON

AREA=1256m<sup>2</sup>

PART 2  
PLAN 62R-8334

41.22 - N70°04'20"W

41.22 - N70°04'20"W

30.48 - N18°11'40"E



METRIC:  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1:250



NOVEMBER 29, 1993

A. J. M. and Associates Ltd.

5.18m HOENING ACCORDING TO BY-LAW No. 8818, REGISTERED AS INSTRUMENT No. 231218HL

UPPER SHERMAN AVENUE

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9  
REGIONAL ROAD No. 164



3

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 11, 1994  
ZAC-93-43  
Thorner Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for an Official Plan Amendment and change in zoning for lands located at the front of No. 1094 Upper Sherman Avenue.

**SECOND REPORT**

***RECOMMENDATION:***

- A. That approval be given to Official Plan Amendment No. to establish a "Special Policy Area" to permit limited commercial uses, including office uses, on lands designated "RESIDENTIAL", and that the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application 93-43, Ashok Kumar, owner, requesting a modification to the established "AA" (Agricultural) District, to permit limited commercial uses on the lands located at the front of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "AA" (Agricultural) District regulations as contained in Section 7A. of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:
    - a) That notwithstanding Section 7A.(1) of Zoning By-law No. 6593, the following commercial uses shall be permitted:
      - (1) Barber shop, hairdressing establishment;
      - (2) Bank;
      - (3) Dry-cleaning establishment;
      - (4) Neighbourhood convenience store;
      - (5) Business, professional person's or medical office;
      - (6) Video store;
      - (7) Laundromat; and,
      - (8) Boutique.



- b) That notwithstanding Section 7A.(4) of Zoning By-law No. 6593, the lot shall have an area of at least 1256.0 m<sup>2</sup> (.310 acres) of lot area;
  - c) Signs shall be provided in accordance with Section 13D.(1) B.(xvii) of Zoning By-law No 6593; and,
  - d) That a minimum 3.0 m landscaped planting strip, and a visual barrier not less than 1.2m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly, southerly and westerly lot lines;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27A be notated S- ;
  - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27A for presentation to City Council;
  - v) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,
  - vi) That the Thorner Neighbourhood Plan be amended by redesignating the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".
- C. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

***EXPLANATORY NOTE:***

The purpose of the by-law is to provide for a modification in zoning to the established "AA" (Agricultural) District, for the property located at 1094 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

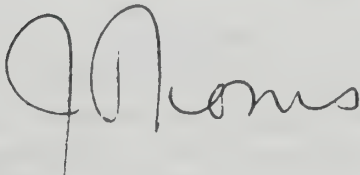
The effect of the By-law is to permit the following limited commercial uses:

- (1) Barber shop, hairdressing establishment;
- (2) Bank;
- (3) Dry-cleaning establishment;
- (4) Neighbourhood convenience store;
- (5) Business, professional person's or medical office;
- (6) Video store;
- (7) Laundromat; and,
- (8) Boutique.

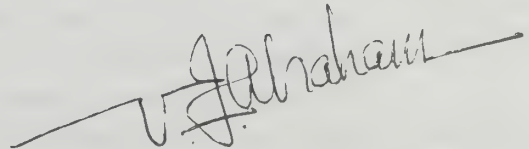


In addition, the By-law provides for the following variances as special requirements:

- A lot area of at least 1256.0 m<sup>2</sup> (.310 acres);
- Wall signs in accordance the "G-4" district regulations of the Zoning By-law; and,
- A minimum 3.0 m landscaped planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the northerly, southerly and westerly lot line.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***APPLICANT:***

Ashok Kumar, owner.

***BACKGROUND:***

- Proposal

The applicant has requested a modification to the established "AA" (Agricultural) District to permit limited commercial uses on the lands located at the front of No. 1094 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A".

The requested commercial uses are: a barber shop, hairdressing establishment; bank; dry-cleaning establishment; neighbourhood convenience store; business, professional person's or medical office; video store; laundromat; and boutique.

- Zoning Application 93-42

The applicant has filed Zoning Application 93-42 for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for two single-family dwellings, in conjunction with lands located to the west, fronting onto Parkwood Crescent (See APPENDIX "B").



- Zoning Application 86-15

The applicant requested a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and carwash on the subject lands. City Council at its meeting held Tuesday, March 8, 1988, approved the Planning and Development Committee's recommendation to deny the application as recommended.

- Previous Planning and Development Committee Meeting

At the April 6, 1994, meeting of the Planning and Development Committee the application to change the zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District was tabled in order that the applicant may meet with both Ward Alderman and staff to reach a compromise with respect to the proposed uses.

***LOT SIZE AND AREA:***

- 30.48 m (100 ft.) of lot frontage on Upper Sherman;
- 41.22 m (135.25 ft.) of lot depth; and,
- 1256.0 m<sup>2</sup> (.310 acres) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Gas Station and former Auto Body Repair Shop	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	One and Two-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified and "C" (Urban Protected Residential, etc.) District
to the west	Vacant	"AA" (Agricultural) District



to the east	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
to the south	Single-Family Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated *Residential* on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv)      Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan.
- A.2.1.6      Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:
- i)      Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii)      Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."



A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal conflicts with the intent of the Official Plan. Approval of the application would require establishing a new "Special Policy Area" to permit limited commercial uses, including office uses, on lands designated "Residential".

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Thomer Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".

#### ***RESULTS OF CIRCULARIZATION:***

- The following Agencies have no comment or objection:
  - Union Gas; and,
  - Hamilton Region Conservation Authority.



- The Traffic Department has advised that:

"In response to your letter of 1993 December 10, please be advised that we have reviewed the above application and have the following comments.

While we recognize that the property has been used for a number of years for a service station and auto body repair shop with no apparent complaints, a commercially designated property would appear to be an intrusion into an otherwise strictly residential area. An "HH" District includes a number of other uses which have the potential of impacting upon the adjacent residences as well as the adjacent roadway. As a result, we do not support the above application."

With respect to the amended application, the Traffic Department has advised that:

"We continue to consider this application with the modified zoning to "AA" and the modified uses as listed an intrusion into an otherwise strictly residential area. Some of the uses listed in the amended application still have the potential of impacting upon the adjacent residences as well as the adjacent roadway. Therefore, we continue to be non-supportive of the above application.

- The Building Department has advised that:

"It is recommended that the requirements of Section 18.(3)(ivc) with respect to visual barriers and planting strips be required along the proposed rear lot line and possibly the existing side lot lines for the garage type of use of gas bar with complementary use."

In addition to the above-mentioned comment, the Building Department has advised that:

"A further reduction of the lot area of the lands to remain in an "AA" zoning district does not conform to the zoning provisions of Section 7A (4) of Zoning By-law No. 6593.

The status of a "legal non-conforming use of a gas bar" will remain provided that the gas pump including the underground tanks remain on site."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Sherman Ave. is 30.48m. In accordance with this designation, the Region previously acquired the required road allowance widening adjacent to the subject lands by Instrument No. 221216 H.L. Therefore we do not anticipate any further road allowance widenings at this time.



We understand that the proposed uses will be located within the existing structures and we have reviewed the application on that basis. Should the site be redeveloped, we recommend that it be done through site plan control and further comments on grading, setbacks, landscaping etc. will be submitted at that time.

Comments with respect to access, maneuvering for existing uses, etc. should be received from the City of Hamilton Traffic Department. Should the existing gas station use be retained, sufficient land should be retained in its present use to ensure that the reduced maneuvering area will not result in service vehicles backing out onto Upper Sherman Avenue from the existing gas station.

In the absence of any details shown, we advise that any works which may occur within the Upper Sherman Ave. road allowance, as widened, must conform to the region of Hamilton-Wentworth Roads Use By-law."

#### **COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to establish a "Special Policy Area" to permit limited commercial uses, including office uses, on lands designated "Residential".
2. The proposal conflicts with the intent of the approved Thorner Neighbourhood Plan in that the lands are designated "SINGLE AND DOUBLE RESIDENTIAL". If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".
3. The proposal can be supported for the following reasons:
  - i) The proposed "limited commercial uses" are compatible with existing and proposed residential development in the surrounding area;
  - ii) The proposed uses would serve to meet the needs of the local residents; and,
  - iii) The subject lands are located on a major road.
4. In addition, it is recommended that approval of the application be subject to the following special requirements:
  - Lot Area

The lot area of the 1094 Upper Sherman Avenue will be reduced from 1800 m<sup>2</sup> (.44 acres) to 1256.0 m<sup>2</sup> (.310 acres) upon the successful completion of a severance application to sever off the rear lands to permit development of two single-family dwellings as per Zoning Application 93-42.



Since an alteration to the lot area is necessary, the Building Department has advised that the property no longer maintains a legal non-conforming status with respect to lot area. Thus, a minimum lot area of 1256.0 m<sup>2</sup> (.310 acres) must be recognized as a special provision.

- Buffering and Screening

The applicant will provide a minimum 3.0 m wide landscape planting strip and a 1.2 m minimum to 2.0 m maximum high wood fence along the northerly, southerly, and westerly lot lines abutting the residential districts. These provisions are intended to mitigate any potential negative spill-over effect (i.e. noise, headlight glare, etc.). Accordingly, it would be appropriate to require the above-mentioned landscape planting strip, visual barrier, and landscape area as proposed.

- Signs

The "AA" (Agricultural) District regulations do not permit any form of signage. In order to provide business identification, it is proposed to allow signs in accordance with the "G-4" District provisions of the Zoning By-law.

The "G-4" (Designed Neighbourhood Shopping Area) District regulations limit signs to one (1) wall sign per establishment, with an area of not more than 2.5 m<sup>2</sup> (26.91 sq. ft.), and further states that flashing signs are not permitted. This type of sign would be appropriate for the proposed commercial uses and would not impact upon the character of the area.

5. The applicant intends to make some necessary site alterations to accommodate future tenants, thus it will be necessary to alter the existing building and/or reconstruct a new structure, provide additional landscaped planting strips and revise the parking area.

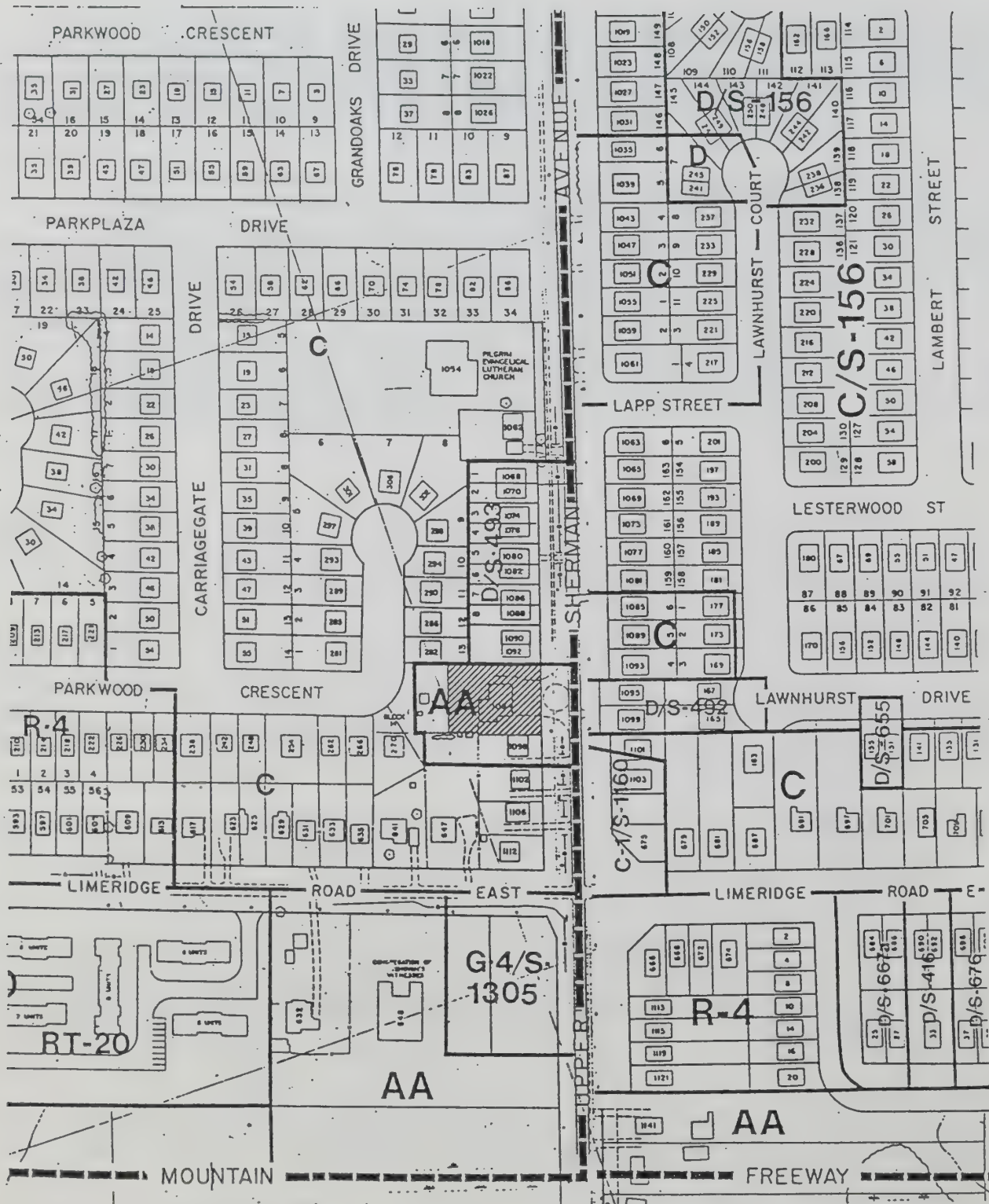
However, the lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Thus, it would be appropriate to place the lands under Site Plan Control so that concerns regarding the parking layout, grading, fencing, landscaping, etc. can be satisfied.

## **CONCLUSION:**

Based on the foregoing, the amended application can be supported.

JL/jl  
WPZAC9343





Legend



Site of the Application

ZAC-93-43

APPENDIX A



PART 3 PLAN 62R-8854

PARKWOOD CRESCENT

PART 2  
PLAN  
62R-8854

PART 3  
PLAN 62R-10942

PART 2  
PLAN 62R-10942

BLOCK 14  
PLAN 62M-512

N46°57'50"E  
CH=9.15  
RAD=20.00  
ARC=9.25  
N20°30'40"E  
CH=9.15  
RAD=20.00  
ARC=9.25

M.50.41N  
32.13

AREA=372m<sup>2</sup>

PART 1  
PLAN  
62R-10942

13.49  
N1871'40"E

N700'420"W

SUBJECT LANDS  
ZAC-93-42

AREA=429m<sup>2</sup>

23.61 - N700'420"W

LOT 13  
PLAN 62M-512



30.48 - N1871'40"E

CONCESSION 6  
TOWNSHIP OF BARTON

AREA=1256m<sup>2</sup>

41.22 - N700'420"W

41.22 - N700'420"W

PART 2  
PLAN 62R-8854

METRIC:  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1:250  
10 metres

NOVEMBER 29, 1993

A. J. Clark and Associates Ltd.

30.48 - N1871'40"E

5.18m WIDENING ACCORDING TO BY-LAW No. 8815, REGISTERED AS INSTRUMENT No. 221218HL

UPPER SHERMAN AVENUE

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9  
REGIONAL ROAD No. 164







4

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 May 16  
ZAC-94-07  
Gilkson Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

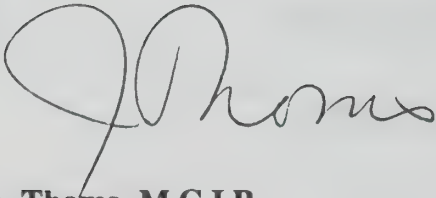
**SUBJECT:** Request for rezoning - 819 Upper Paradise Road

**RECOMMENDATION:**

That Zoning Application 94-07, Homes By DeSanits Inc. (In Trust), Prospective Owner, requesting a change in zoning from "AA" (Agricultural) to "RT-20" (Townhouse-Maisonette) District, modified to permit the development of sixteen (16) townhouse units for lands located at 819 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of the Official Plan in that it contributes to an indiscriminate mix of housing types and densities in the Neighbourhood;
- ii) it conflicts with the approved Gilkson Neighbourhood Plan which designates the subject lands "Single & Double Residential";
- iii) it is incompatible with the established character of the existing development in this portion of the Neighbourhood; and,
- iv) approval of the application would encourage other similar applications which, if approved, would undermine the character of the Neighbourhood.





**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is proposing to rezone the subject lands from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, modified to permit the development of sixteen (16) condominium townhouse units, not more than two storeys in height (see APPENDIX "B" attached).

**APPLICANT:**

Homes by DeSantis Inc. (in trust), prospective owner.

**LOT SIZE AND AREA:**

The subject property has:

- a 57.3 m (188 feet) frontage on Upper Paradise Road;
- a depth of 71.02 m (233 feet); and,
- a lot area of 4069.5 m<sup>2</sup> (43,804 feet<sup>2</sup> or 1 acre).



## LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Family Dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north and west	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the east and south	Semi-detached Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

## OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.1      In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i)      Provision and maintenance of adequate off-street parking;
- C.7.2      Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.



C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal conforms to the "Residential" land use designation of the Official Plan. It conflicts however, with the intent of policies of the Plan in that it contributes to an indiscriminate mix of housing types and densities within the Neighbourhood. Approval of the application would not require an amendment to the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single & Double Residential" on the approved Neighbourhood Plan. The proposal conflicts with the intent of the Neighbourhood Plan. Approval of the application will require a redesignation to "Attached Housing".

#### **COMMENTS RECEIVED:**

- The Traffic Department and the Hamilton Region Conservation Authority advise they have no comment or objection.
- The Building Department advises:
  - "1. Maximum height permitted is 3 storeys.



2. Privacy areas to be provided [See Section 10E(8)].
3. Landscape area to be provided (minimum 1628m<sup>2</sup>)."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

According to our records, the Region previously acquired the required road widening adjacent to the subject lands by Instrument No. 069721 and shown as Parts 1 to 4 inclusive on Reference Plan 62R-11467. We do not anticipate any further road allowance widenings at this time.

According to our construction plans, special provisions were made to save a hickory tree within the Upper Paradise Road allowance, as widened, and interlocking paving stones were placed around the tree for municipal sidewalk purposes. The concept plan submitted by the applicant indicates that a driveway would be constructed in the middle of the property likely requiring the removal of the tree. It is imperative that the applicant contact the City of Hamilton Public Works Department - Arborists Division to determine whether permission will be granted to remove the tree.

In the absence of any details shown, we advise that any works within the Upper Paradise Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

More detailed comments will be provided at such time as site, landscape and grading plans are submitted to our Office for review.

Comments from the City of Hamilton Traffic Department with respect to the offset of this proposed access to Novoco Drive on the west side of Upper Paradise Road should be considered."

#### COMMENTS:

1. The conflicts with the intent of the Official Plan. However, if approved, an amendment to the Official Plan would not be required.
2. The proposal does not comply with the approved Gilkson Neighbourhood Plan. Approval of this application would necessitate an amendment to redesignate the lands to "Attached Housing".



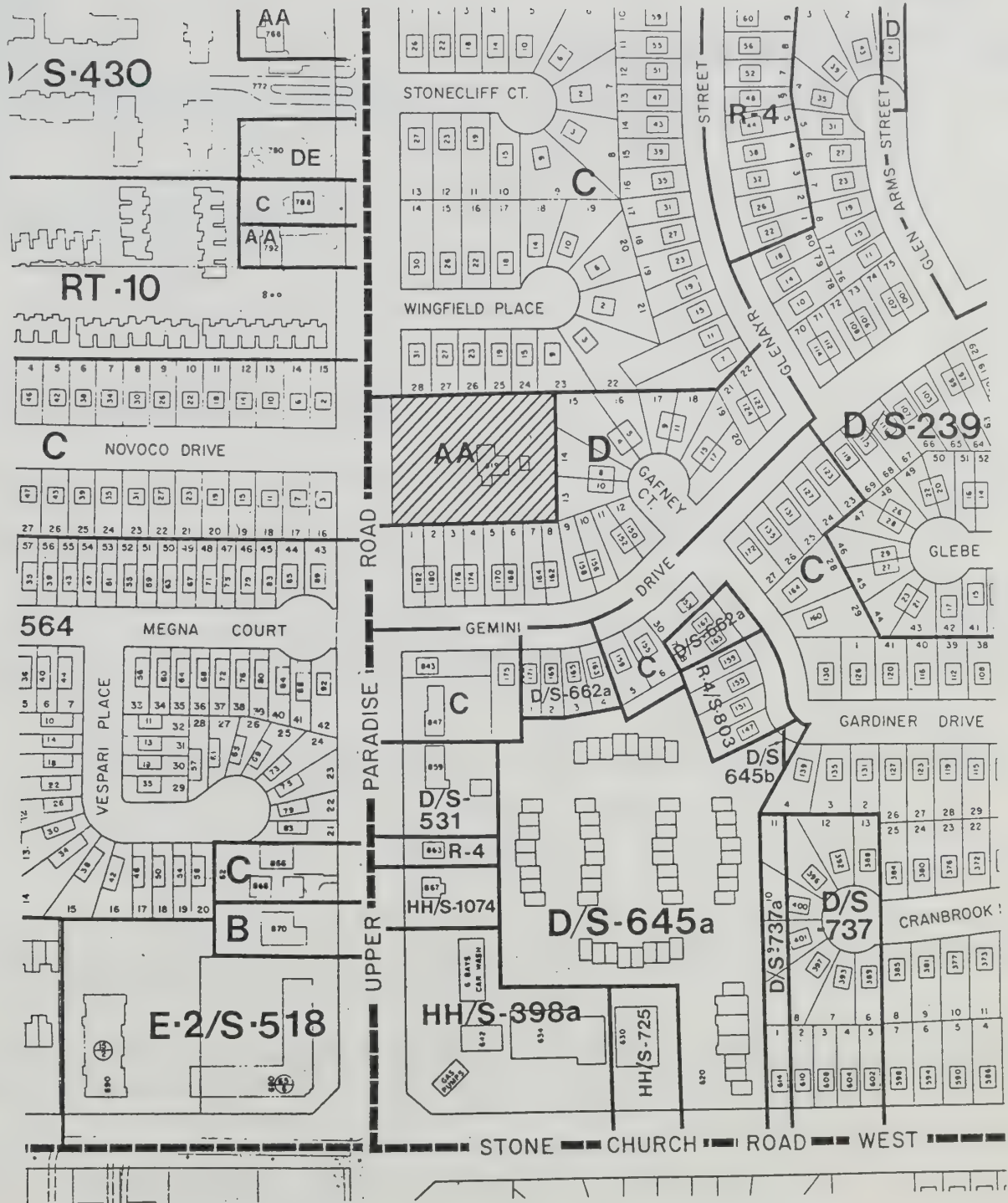
4. The proposal cannot be supported for the following reasons:
- it conflicts with the intent of the Official Plan in that it contributes to an indiscriminate mix of housing types and densities within the Neighbourhood;
  - it conflicts with the approved Gilkson Neighbourhood Plan which designates the subject lands "Single & Double Residential";
  - it is incompatible with the established character of the existing development in this portion of the Neighbourhood; and,
  - approval of the application would encourage other similar applications which, if approved, would undermine the character of the Neighbourhood.
4. It is recognized that, given the lot size, these lands may not be ideal for conventional single family development and that innovative housing forms, such as condominium semi-detached, units may have merit for further consideration. In this regard, such a proposal should be developed in keeping with the intent of the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions.

#### CONCLUSION:

Based on the foregoing, the application cannot be supported.

CLF/  
94-07





Legend



Site of the Application

ZAC-94-07



# SITE PLAN

PART OF LOT 20  
CONCESSION 7  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF  
HAMILTON-WENTWORTH

## DEVELOPMENT DETAILS

TOTAL SITE AREA = 4069.38 m<sup>2</sup>  
BUILDING COVERAGE = 1210.0 m<sup>2</sup>  
ROADS AND PARKING = 943.6 m<sup>2</sup>  
TYPICAL UNIT APPROX. = 5.0 x 12.65m  
TYPICAL PARKING STALLS 2.7 x 6.0m

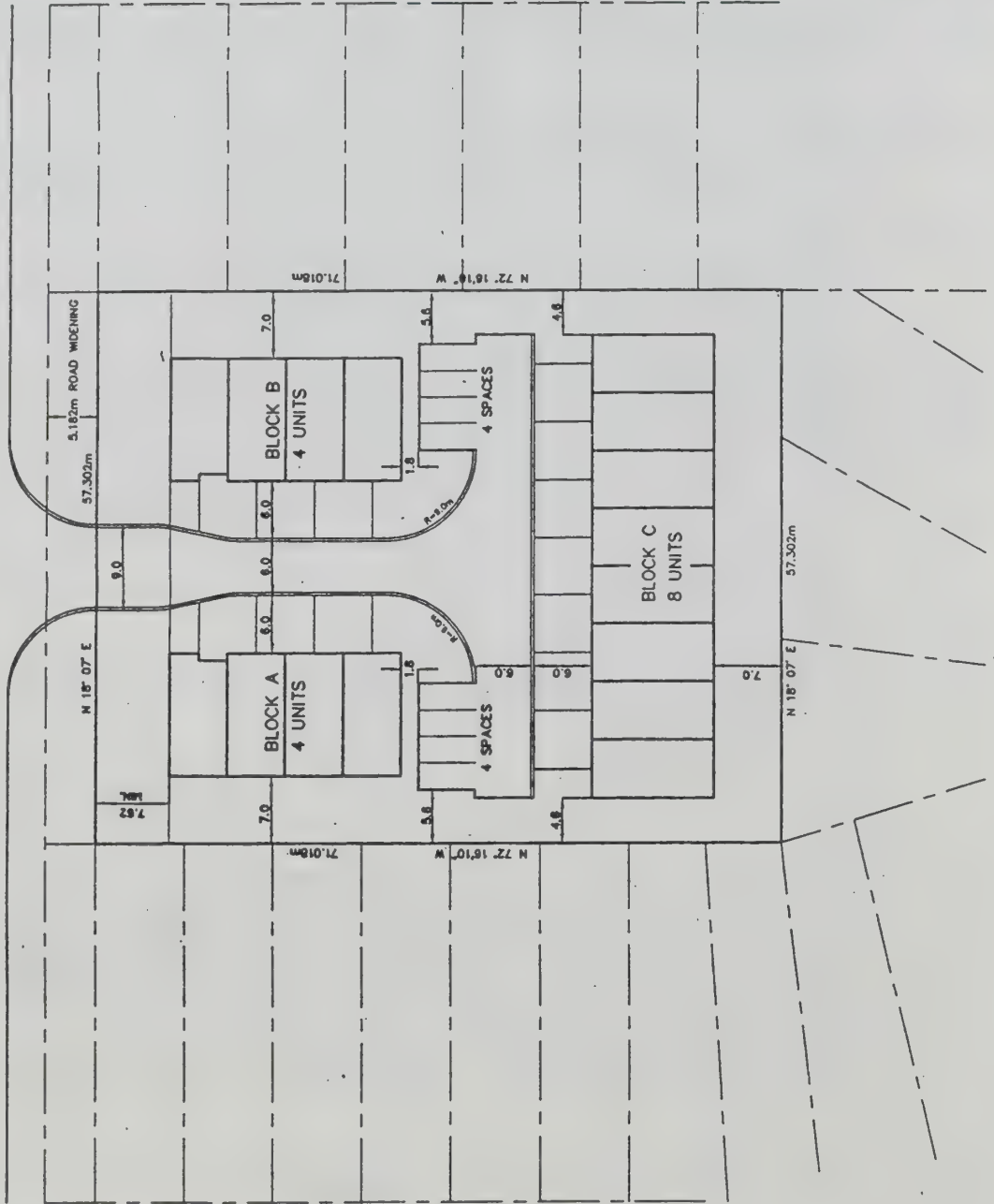
PARKING REQUIREMENTS  
REQUIRED 8 SPACES  
PROVIDED 18 SPACES



UPPER PARADISE ROAD

WINGFIELD PLACE

GEMINI DRIVE



planning  
initiatives ltd.

REGISTERED PROFESSIONAL ARCHITECT  
REGISTERED PROFESSIONAL ENGINEER

DESIGNED BY	DATE	PROJECT NO.	HP 286
DRAWN BY	DATE	SCALE	1 : 300
CHECKED BY	DATE	REVISION	1 of 1
DATE	FEB. 1994		





CITY COUNCIL  
HAMILTON, CANADA

5

**Alderman Mary Kiss**

---

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 525-5932 - WARD 1

---

18 May 1994

Alderman Don Drury, Chairman  
Planning & Development Committee

Dear Alderman Drury:

**RE: TACO BELL, 460 MAIN STREET WEST - RESIDENTS' CONCERNS**

A meeting was convened to address residents' concerns on May 16. The meeting was attended by New Street residents, City Planning and Traffic Department staff, Paul Fisher, Committee of Adjustment, Domenic Meffe, Architect, the new Taco Bell Manager, Alderman Cooke and myself.

At this meeting the residents voted unanimously in support of Option B, as outlined by Taco Bell's architects (a copy is attached).

I support them fully in their request for Option B.

The residents will be clearly outlining their requests and concerns and requesting an opportunity to appear before the Committee's May Planning & Development meeting in order to help to resolve their problems.

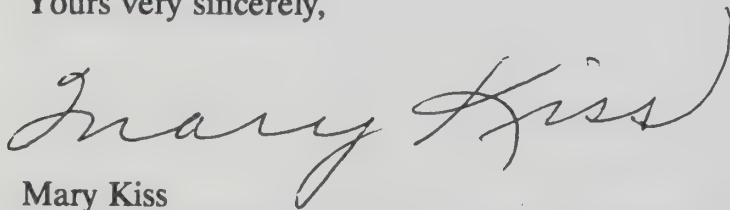
Alderman Cooke had suggested at the May 16 meeting and I agreed, that they appear before the Committee.

Since I will be on vacation, I am stating my support and ask the Committee to please give them every consideration.



I would appreciate any action possible on the residents' behalf.

Yours very sincerely,

A handwritten signature in cursive script that reads "Mary Kiss". The signature is fluid and elegant, with the first letters of each name being capitalized and prominent.

Mary Kiss  
Alderman, Ward 1

MK:sn

Attch.

c.c. Alderman Henry Merling, Chairman, Transport & Environment Committee



00-10-1994 01:31PM FROM

TO 19055464202 P.01

Domenic A. Meffe

**DOMUS**

architects

Faxmittal - 23.0

To: City of Hamilton  
Planning Department

Date: 10 May 94

Project No.: 93115

Fax No.: 905-546-4202

Attn.: Mr. John Sakala, Senior Landscape Architect

From: David Spry for Domenic Meffe

No. of Pages: 4  
(Including cover sheet)

Project: Taco Bell, Hamilton (Main and Dundum)

**Description:**

Please find enclosed 3 alternate Site Sketches as per items discussed regarding laneway access.

We would suggest that a meeting be arranged to discuss these options on Thursday or Friday of this week.

Please let us know when you might be available.

Copy to: A. Mihalj, Marshall Macklin Monaghan  
P. Smith, Taco Bell  
J. MacDonald, Taco Bell

Per 

Hard copy to follow: N/A X Mail      Courier      By Hand       
(If you do not receive all the pages, please call (416) 534-6788 A.S.A.P.)

**PRINCIPALS**

Domenic A. Meffe

Mustafa Mester

**ASSOCIATE**

Dr. Gulzar Halder

67 Mowat Avenue

Suite 337

Toronto, Ontario

Canada M6K 3E3

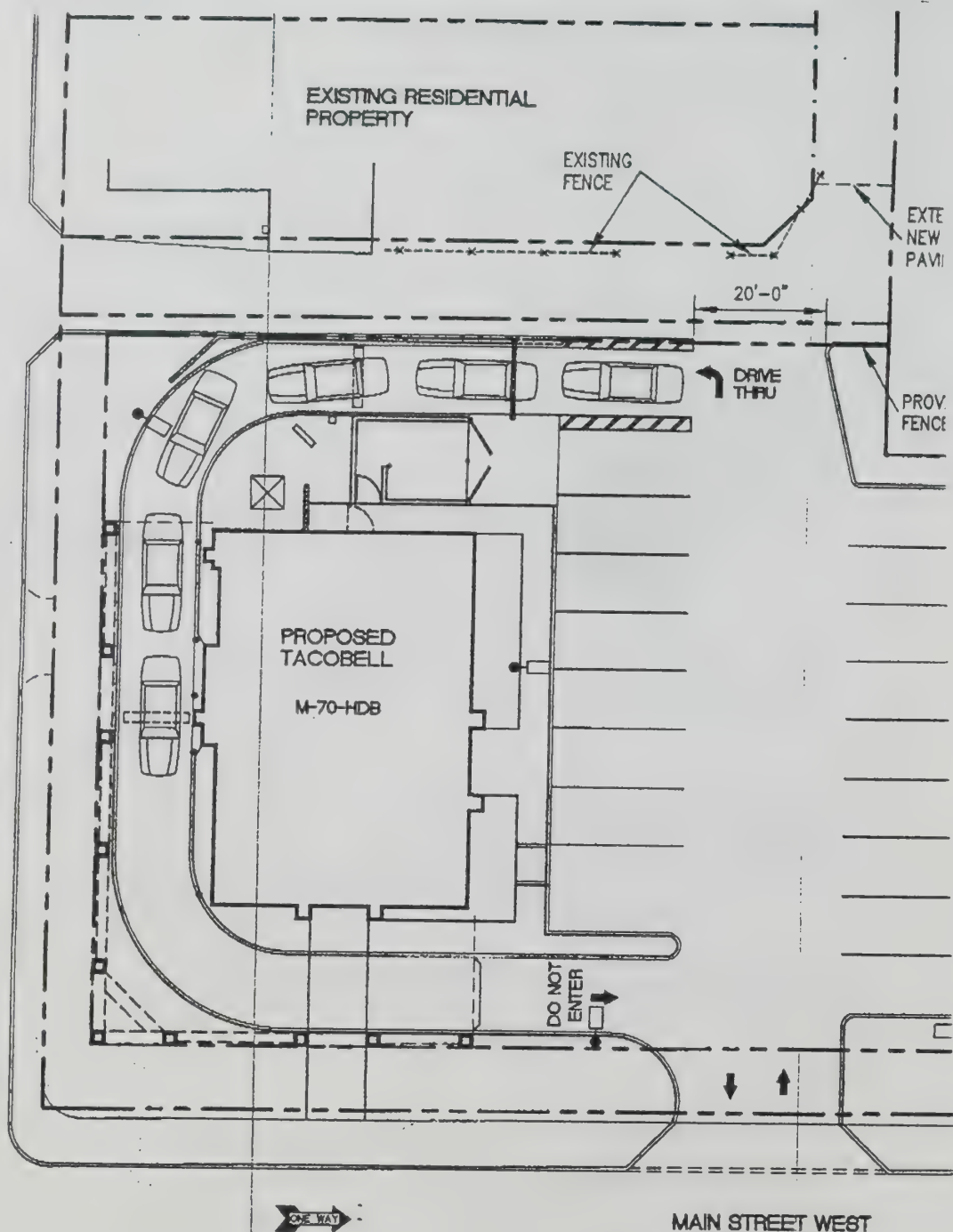
① 416.534.6788

① 1.800.363.5859

① 416.534.1854



DUNDURN STREET SOUTH



## OPTION A

- REVISION: - REDUCE DRIVE AISLE EXIT WIDTH AT LANE FROM 24'-0" TO 20'-0"  
 - ANGLE CURB TO DETRACT ACCESS INTO NORTH LANE

ADVANTAGES	DISADVANTAGES
- DETER DRIVERS ACCESSABILITY TO NORTH LANEWAY	- INCREASES CONGESTION AT EXIT TO LANE IF DRIVE THRU CAR STACK IS FULL - CARS EXITING MUST TURN AROUND

**DOMVS**  
 domenic a maffe  
 architects

87 Massey Avenue, Suite 527, Toronto, Ontario, CANADA  
 Tel (416) 534-8788 Fax (416) 534-1884

Project:



MAIN & DUNDURN  
 HAMILTON, ONTARIO

Project No: 93115

Sketch No:

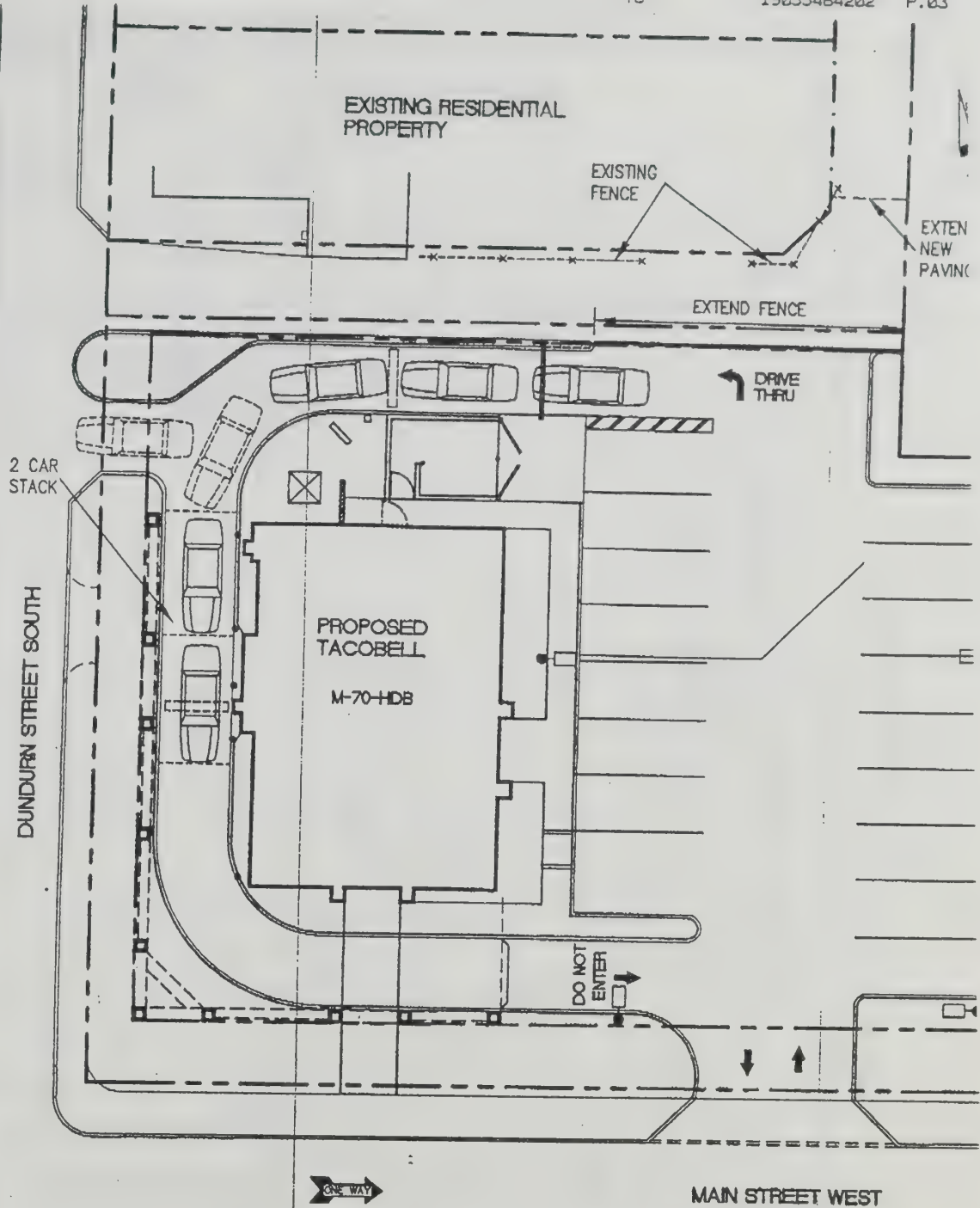
Date Issued: 06/05/94

Part of Dwg: A-1A

Scale: NTS

**SK-7**





## OPTION B

- REVISION: - BLOCK OFF EXIT AT LANE  
- PROVIDE EXIT AT DUNDURN STREET

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- NO 'TACO BELL' TRAFFIC IN LANE</li> </ul>	<ul style="list-style-type: none"> <li>- DRIVE THRU STACK REDUCED TO TWO CARS</li> <li>- CREATES BOTTLE-NECK AT NORTH END OF LANE</li> <li>- NOT ECONOMICALLY FEASIBLE</li> </ul>

**DOMVS**  
domenic a moffe  
architects

67 Beaver Avenue, Suite 237, Toronto, Ontario, CANADA  
Tel (416) 634-8788 Fax (416) 634-1834

Project:



MAIN & DUNDURN  
HAMILTON, ONTARIO

Project No: 93115

Date Issued: 06/05/94

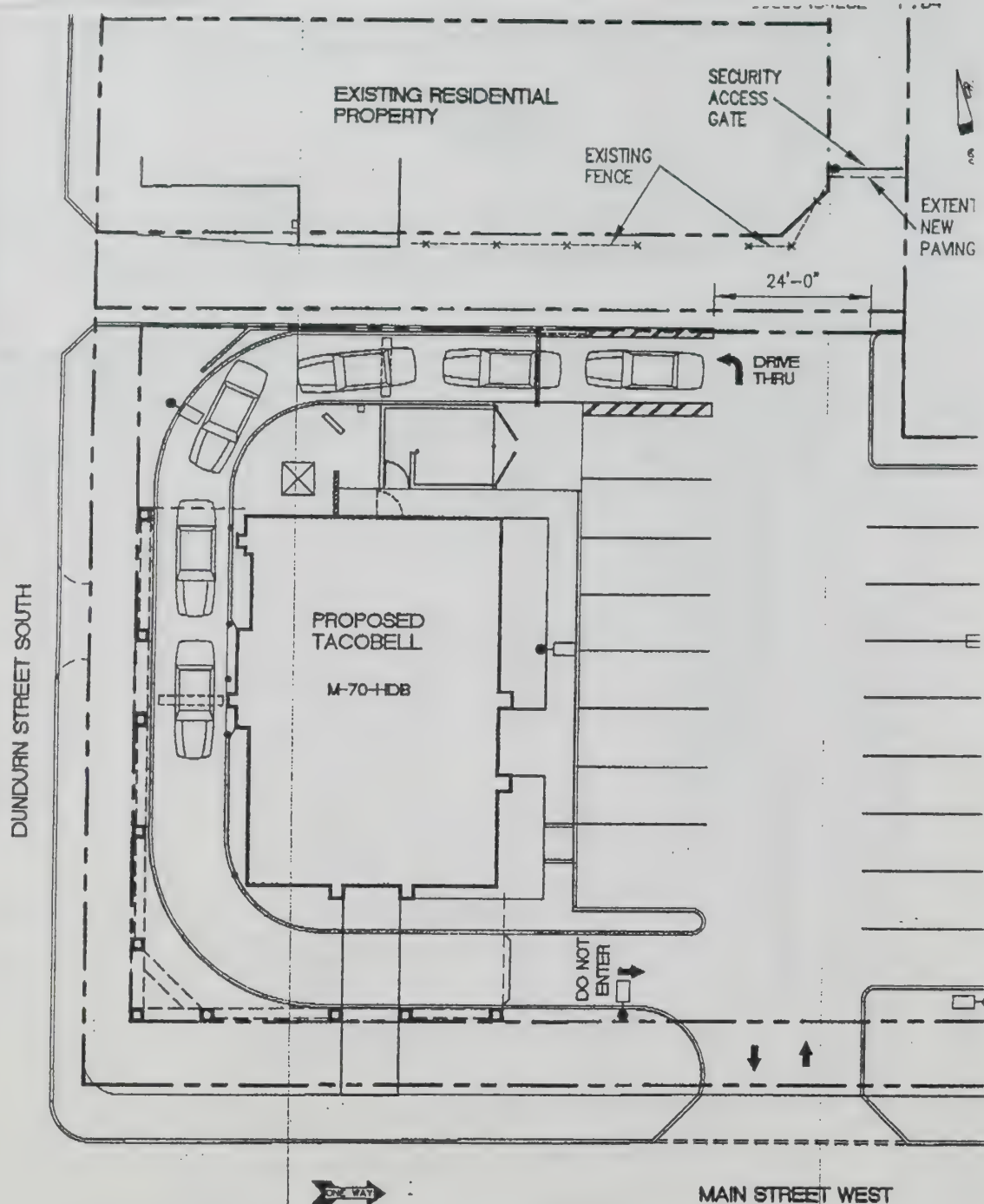
Part of Dwg: A-1A

Scale: NTS

Sketch No:

**SK-8**





## OPTION C

- REVISION: - REDUCE DRIVE AISLE EXIT WIDTH AT LANE FROM 24'-0" TO 20'-0"  
 - ANGLE CURB TO DETRACT ACCESS INTO NORTH LANE  
 - PROVIDE RESIDENCE ONLY SECURITY ACCESS TO NORTH LANE

ADVANTAGES	DISADVANTAGES
- DETERS ACCESS TO NORTH LANEWAY	- MAINTENANCE OF SECURITY GATE - BLOCKAGE OF LANE TO VISITORS

**DOMVS**  
 domenic a moffe  
 architects

87 Market Avenue, Suite 537, Toronto, Ontario, CANADA  
 Tel (416) 534-0786 Fax (416) 534-1884

Project:



MAIN & DUNDURN  
 HAMILTON, ONTARIO

Project No: 93115

Sketch No:

Date Issued: 06/05/94

Part of Dwg: A-1A

Scale: NTS

**SK-9**



# Location of Public and Private Parking Lots

## Legend



(Municipal) Hamilton  
Parking Authority Owned  
3563 Spaces (22 Lots)



Privately Owned  
7368 Spaces (68 Lots)

58

Number of Parking Spaces

50

Parking Location

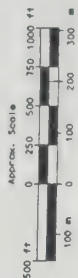
.....

Study Area

Totals

10,931 Spaces (90 Lots)

NOTE: Source of Information - Hamilton Parking Authority and  
Field Survey



Hamilton-Wentworth Region  
Planning and Development Department  
January 1994









**CITY OF HAMILTON**  
**- RECOMMENDATION -**

6

**DATE:** 1994 May 5  
CI-90-F

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City Initiative - consideration of the elimination of the reduced parking standards for new commercial development and/or redevelopment in the Central Business District, and the application of the "Cash-in-lieu" of Parking Policy.

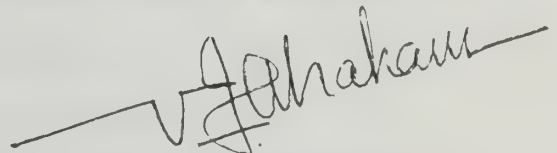
**RECOMMENDATION:**

That approval be given to City Initiative 90-F respecting the parking standards for commercial development in the Central Business District, and the "Cash-in-lieu of Parking Policy", on the following basis:

1. That the present parking requirements for commercial development in the Central Business District be maintained.
2. That the "Cash-in-lieu of Parking Policy" be maintained.
3. That the Committee of Adjustment be requested to not approve any applications for reduced parking requirements where the "Cash-in-lieu of Parking Policy" is an option.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**BACKGROUND:**

- Planning and Development Committee

At its meeting of July 25, 1990 the Planning and Development Committee considered changing the current parking requirements for new commercial development and/or redevelopment in the Central Business District, and changing the "Cash-in-lieu" of Parking Policy as it applies to new commercial development and/or redevelopment within the City.



However, before making a final decision on the matter, the Committee approved the following recommendations:

- "(a) That written submissions from the public on the recommendations of the Parking Authority, as endorsed by the Finance and Administration Committee at its meeting of March 22, 1990, be received up to Friday, August 24, 1990.
- (b) That the Planning and Development Department in consultation with the Parking Authority, Traffic Department, Building Department and the Cash-in-lieu of Parking Committee review the submissions and prepare a report for the consideration of the Planning and Development Committee."

- Parking Authority

At its meeting of March 15, 1990, the Parking Authority approved a report entitled "CAPITAL EXPANSION PLANS - CENTRAL BUSINESS DISTRICT".

The report made the following recommendations:

- "(1) That the Finance and Administration Committee endorse the expansion plans detailed in this report;
- (2) and further, that the Committee recommend to Council that:
  - (a) the exemption from parking requirements for commercial development in the CBD be dropped; and,
  - (b) the City as a whole be considered on the same basis when applying the "Cash-in-lieu" provisions; and,
  - (c) the cost to provide parking in the development area concerned be applied to the formula for the "Cash-in-lieu" provision; and,
  - (d) the net revenue from parking fines be directed into the Reserve for Offstreet Parking Account."

The basis for the Authority's recommendations was a report entitled "RECOMMENDED CHANGES IN THE CITY OF HAMILTON'S PRESENT PARKING POLICIES AND PRACTICES". This report was prepared by the Cooper & Lybrand Consulting Group in conjunction with the Capital Charges Study. In the conclusion of the report, the consultants made the following recommendations:

- "i) Rescind the exemption of commercial development in the downtown core from complying with prescribed parking requirements, contained in the current by-law.
- ii) Enforce the resulting by-law consistently and without exemption.
- iii) In cases where the "cash-in-lieu of parking" policy applies, the amount payable should equal 100% of the cost of providing the required parking spaces in the development area.



After due consideration, we feel that the stringent application of current parking requirements to all commercial development (including that in the downtown core) along with 100% cost recovery in cases where the "cash-in-lieu of parking" practice is applicable, is the best policy for the City to follow. This will guarantee an adequate supply of parking facilities within Hamilton and will ensure that these facilities are financed in a fair and equitable fashion."

- Finance and Administration Committee

At its meeting of March 22, 1990, the Finance and Administration Committee endorsed the report recommendations of the Parking Authority, except for Item (2)(d) above.

- City Council

At its meeting of March 27, 1990, City Council referred the recommendation of the Finance and Administration Committee to the Planning and Development Committee with the direction that appropriate Public Hearings be held as a City Initiative in order to implement a required Zoning By-law change with respect to Parking Requirements for Commercial Development in the Central Business District.

### PARKING REQUIREMENTS IN THE CENTRAL AREA

In accordance with Section 18A.(3) of Zoning By-law No. 6593, the normal parking requirements for commercial development in the Central Area (see APPENDIX "A") are eliminated (AREA "A") and reduced by 50% (AREA "B").

In this regard, a commercial development which would normally require 50 parking spaces would not have to provide any spaces if it were to be located in AREA "A", and would only have to provide 25 spaces if located in AREA "B".

The Building Department has advised that historically the "I" and "HI" Districts have always been exempt from providing parking for commercial uses. With the adoption of the "Parking and Loading" By-law (83-66) in 1983, the area affected by commercial free parking (i.e. "I" and "HI" Districts) was expanded. The criteria that was used to examine the boundaries for the non-residential parking requirements were as follows:

#### Areas within the 0% zone should:

- be in an "I" or "HI" zone or a continuous commercial area emanating from the Central Business District.
- have access to a high level of transit service.
- be readily accessible from Hamilton Parking Authority lots; and secondarily from private parking lots.
- be within approximately one-half kilometre of the King/James and King/Catharine intersections.
- implement Central Area Plan and City of Hamilton Official Plan policies.



- not be adjacent to "C" or "D" residential.

Areas within the 50% zone should:

- be within approximately one-quarter kilometre of a 0% boundary.
- have access to a medium level of transit service.
- contain continuous commercial lands emanating from the Central Business District, or large discontinuous commercial areas not directly linked to Central Business District commercial lands.
- be accessible from some additional public or private parking.
- be within approximately one-third kilometre of the King/Wellington intersection.

Areas within either the 0% or 50% zone should:

- have boundaries follow the centreline of existing roadways, and take as few jogs as possible in order to facilitate interpretation of the by-law.
- minimize inequities such as having an intersection within a 0% zone in one quadrant, a 50% zone in two more, and a 100% zone in the last quadrant.

The end result was APPENDIX "A", attached. The Traffic Department has advised that the foregoing criteria are still applicable.

SUBMISSIONS

Notices were published in the Hamilton Spectator on Saturday, August 4 and 11, 1990, inviting submissions on the proposed changes respecting reduced parking requirements for commercial development and/or redevelopment in the Central Area, and the "Cash-in-lieu" of Parking Policy.

A total of three written submissions were received. The concerns of the commenting agencies are summarized as follows:

- The Hamilton & District Chamber of Commerce

"...The Hamilton and District Chamber of Commerce opposes the proposed changes to By-law 6593 with respect to increasing the costs and parking requirements of new or redeveloped commercial properties in the downtown area as we feel that this action will discourage construction downtown. The Chamber also believes that this is not the best solution to the shortage of parking in the downtown core." (see Appendix "B")



- Torbeek Ltd.

"The proposed parking requirement and cash-in-lieu policy would likely result in:

- the erection of fewer commercial buildings, generally having less commercial floor space, more freestanding buildings with parking around the building, and more garage and parking lot entrances that disrupt the streetscape appearance and create "dead spaces" of no visual interest to pedestrians;
- a relative reduction in future commercial development;
- a relative reduction in public transit ridership, increased traffic congestion and air pollution;
- a significant relative inflation in the rental cost of commercial floor space over the years;
- the establishment of most existing commercial buildings as legal non-conforming with respect to parking;
- the submission of numerous applications to the Committee of Adjustment for By-law variances to allow for renovations, additions, floor space conversions (etc.) involving an increase in commercial floor space." (see APPENDIX "C")

- Central Area Plan Implementation Committee (CAPIC)

"That the current complete exemption from parking standards be replaced by a 50% parking requirement for commercial development to be applied to the CBD area...

That cash-in-lieu be used on 50-100% of the cost of creating parking as determined by the 'cash-in-lieu' committee in accordance with current practice." (see Appendix "D")

## SUSTAINABLE DEVELOPMENT

With respect to **"Getting Around"** (i.e. transportation), the goal of Vision 2020 is **"to develop an integrated sustainable transportation system"** which is geared towards changing our mode of transportation.

Strategies include:

- reducing the number of single occupancy private motor vehicles making the home to work to home daily commute by, among other things, limiting the amount of parking available in the Regional Centre; and
- encouraging the use of public transit as an alternative to the private auto.

The elimination of the current reduced parking standards in the Central Area could be viewed as counteractive to the goals and objectives of **"Sustainable Development"**.



## DEVELOPMENT IMPACTS

It has been stated that the practice of exempting commercial development within the downtown core from compliance with the parking requirements effectively results in the subsidization of new commercial development by existing taxpayers. More specifically, the Parking Authority will continue to finance the construction of necessary parking facilities and will incur debt in order to do so. Alternatively, the City will experience an extreme parking shortage and commercial developers may find it undesirable to locate in Hamilton, as there will be inadequate parking facilities to serve them. The continuance of this policy is regarded as going against the "user pay" approach to capital cost recovery and is thus inequitable (Source: RECOMMENDED CHANGES IN THE CITY OF HAMILTON'S PRESENT PARKING POLICIES AND PRACTICES - Cooper & Lybrand Consulting Group).

Consequently, the Cooper & Lybrand Consulting Group concluded "...that the stringent application of current parking requirements to all commercial development (including that in the downtown core) along with 100% cost recovery in cases where the "cash-in-lieu of parking" practice is applicable, is the best policy for the City to follow."

However, concern has been expressed that elimination of the reduced parking standards in the Central Business District will be a deterrent to new development and/or redevelopment. In this regard, the most recent large scale project in the Central Business District was the C.I.B.C. Twin Towers at the southwest corner of King and James.

The project has a total floor area of 34,796.7m<sup>2</sup> (374,560 sq. ft.) and provides 217 parking spaces in a two level underground structure, whereas none are required. If this project had been subject to the full parking requirements, a minimum of approximately 1,100 spaces would have been required or the equivalent of an additional nine levels of underground parking.

Furthermore, it is understood this site is affected by a high water table and poor soil conditions which would have necessitated additional special engineering features (e.g. permanent dewatering, caissons) to accommodate increased underground parking. Although the financial implications are not known, they are assumed to be significant.

Alternatively, if the cash-in-lieu policy were strictly enforced (i.e. 100% of cost) the Property Department has advised that the cost for the unprovided 883 spaces (1,100 - 217) would have been in the order of \$26,490,000 (883 x 300 sq. ft./space x \$100/sq. foot).

The foregoing example illustrates the potential economic impacts on development/redevelopment in the Central Business District by eliminating the reduced parking standards, and applying a 100% "Cash-in-lieu" of parking policy.



## PARKING SUPPLY

With respect to the availability of parking, staff undertook an inventory of parking lots in the Central Business District (both public and private - see APPENDIX "E"). The findings are summarized as follows:

	<u>No. of Lots</u>	<u>No. of Spaces</u>
Public Parking	22	3,563
Private Parking	68	7,368
TOTAL	<u>90</u>	<u>10,931</u>

The inventory was carried out during normal business hours, and it was observed that approximately 1/2 of the available spaces were utilized. Furthermore, the flat rate for daily parking ranged from \$3.00 to \$5.00 which is indicative of an oversupply. In this regard, Private Parking Lot operators have advised that the current parking rates are consistent with 1984 rates.

Furthermore, the apparent oversupply of parking is illustrated by the 1993 Usage Rates for the 22 Municipal Car Parks in the Central Business District (see APPENDIX "F"). The 22 Municipal Car parks range in size from 14 - 855 spaces, and have a total of 3,563 parking spaces. Although usage in 1993 ranged from 40% - 98%, overall only 65% or 2,329 of the 3,563 spaces were occupied.

The usage rate is based on average daytime use between 9:00 a.m. and 5:00 p.m.. Furthermore, 17 of the 22 Municipal Car Parks are owned and operated by the Parking Authority and 5 are leased. In this regard, 3,249 or 91.2% of the total number of spaces are directly controlled by the Parking Authority.

## PARKING POLICY TRENDS

It would appear that current Parking Policy Trends are intended to promote public transit usage. For example, the following excerpts are from the report "PARKING IN DOWNTOWN ONTARIO", printed by Ontario Downtowns in 1989:

"...The major policy trend today is to reduce the amount of parking required for new downtown development. This may be to attract new developments and to achieve a more compact land use in the centre.

Many mid- and large-sized municipalities, which have parking requirements in their zoning by-laws pertaining to downtown, have reduced the standards for the downtown or have provided for greater flexibility in the amount or type of parking...



At present the City of Toronto has restrictions within the zoning by-law on the **maximum** amount of parking which can be provided for a specific use. This gives the municipality greater control over the total amount of parking which can be created and enables it to direct travel to public transit or other modes. In addition, one municipality precludes parking from being the permanent and sole use of a site (e.g. freestanding parking garages) in the downtown..."

## OFFICIAL PLAN POLICIES

Section B.3.3 of the City's Official Plan (entitled "Public and Private Parking") contains the general provisions of the Plan pertinent to the whole city, including the Central Area. In essence, these policies encourage the provision of off-street, **short-term** parking.

The general policies in the Official Plan promote the Central Area as the primary focal point for the public transit system. Section 2.8 of the Official Plan contains policies specific to the Central Area. In this regard, Policy 2.8.7 states that preference may be given "...to pedestrian movement over vehicular circulation...", and Policy 2.8.8 encourages the use of public transit by stating:

"2.8.8 To encourage the use of Public Transit and reduce the potential use of private automobiles in the CENTRAL POLICY AREA, Council may discourage the use of public Parking facilities for long-term commuter parking in the AREA."

Official Plan Amendment No. 66, the revised Central Area Plan, which has been referred to the Ontario Municipal Board, contains specific policies pertaining to parking. In effect, Policy 4.8.7 is an expansion of the existing Official Plan Policy and continues to discourage long-term commuter use of downtown parking facilities.

In summary, the Official Plan policies encourage the use of parking facilities for **short-term** parking needs (e.g. shopping, entertainment, business), and promote **Public Transit**.

## CASH-IN-LIEU OF PARKING POLICY

Pursuant to Section 40 of the Planning Act, the purpose of the Policy is to provide relief from the parking provisions of the Zoning By-law, by providing proponents of development the option of entering into an agreement with the municipality for exemption from providing and maintaining parking facilities.

In this regard, Policy 3.3.8 (Public and Private Parking) of the Official Plan states:

"3.3.8 Council may, at its discretion and subject to the Planning Act, provide developers with the option of making a cash payment to the City in lieu of all or part of the Zoning By-law PARKING requirements. Such funds will be used for the acquisition of lands and/or the provision of off-street PARKING through the City where deemed appropriate by Council."

Monies due under a cash-in-lieu agreement are deemed to be taxes upon the land and are collectable in the same manner. Such funds are to be used for the provision of off-street parking on a city wide basis.



The Policy is applicable to all developments and/or redevelopments throughout the City, except for residential zones. Further, the Policy will be utilized provided that planning and traffic objectives are not jeopardized.

Payments are made based on the estimated cost of each required parking space not provided in the development and/or redevelopment. Payment made by proponents will not be less than 50% of the total cost of the parking not provided.

Since replacement of the Policy in 1986, eleven (11) applications for cash-in-lieu of parking have been made to date. Furthermore, only three (3) applications for a total of 75 parking spaces were paid and finalized (i.e March 1989 - 18 spaces; August 1989 - 28 spaces; and September 1990 - 29 spaces). In all three (3) instances, the proponent had initially made an application to the Committee of Adjustment for a reduction in parking. However, the applications were either tabled or denied by the Committee.

During the same time period, 109 applications were made to the Committee of Adjustment for reduced commercial parking requirements. Of the 109 applications made, 70 were approved, 35 denied, and 4 tabled. With respect to the approved applications, a total of 1,216 parking spaces were reduced out of 1,583 applied for.

#### **COMMENT:**

The conclusions of the Cooper & Lybrand Consulting Group respecting "RECOMMENDED CHANGES IN THE CITY OF HAMILTON'S PRESENT PARKING POLICIES AND PRACTICES" are economically based on the benefits of the Corporation, and intended to guarantee an adequate supply of parking facilities and ensure their financing.

However, it is generally accepted that parking requirements should be minimized in transit oriented areas, such as activity nodes and corridors, in order to encourage transit usage. In this regard, the Central Business District is well serviced by public transit. Furthermore, the promotion of transit is an excellent way of perusing the goals of 'sustainable development' and a better urban environment.

Additionally, from a transportation planning perspective, the Traffic Department has advised that the criteria which was used to establish the boundaries for reduced commercial parking in the Zoning By-law are still applicable.

Other factors supporting the retention of the reduced parking standards include:

- application of the general parking requirements may deter new development and/or redevelopment in the Central Business District;
- application of the general parking requirements may negatively impact visual aesthetics and urban design of Central Business District due to increased surface parking, more driveways and interruptions to streetscape. Consequently, pedestrian and traffic flows could be impeded;
- it would appear that current policy trends in other municipalities are to reduce parking requirements for new downtown development;
- the Traffic Department has advised that the general parking requirements are more typical of suburban standards than those for the Central Business District;



- the need to apply the general parking requirements in the Central Area is mitigated by the number of multi-purpose trips (e.g. work and shopping);
- application of the general parking requirements may encourage increased use of private automobiles; and,
- currently, there appears to be an adequate supply of parking available in the Central Business District.

With respect to the Cooper & Lybrand recommendation that the "Cash-in-lieu of Parking Policy" be applied at 100% of cost recovery, it is the opinion of the Cash-in-lieu of Parking Committee that it could be a deterrent to new development and/or redevelopment. In this regard, it is reasonable to assume that if a developer is required to meet the general parking requirements or pay 100% of the cost for cash-in-lieu, they are likely to supply the parking. The present policy of requiring not less than 50% of the cost provides the Planning Committee and City Council with the flexibility to give consideration to mitigating factors such as the number of required spaces, site location, access to public transit, and availability of land.

However, there is concern about the viability of the "Cash-in-lieu of Parking Policy". As previously noted, eleven (11) applications for cash-in-lieu of parking have been made to date, of which only three (3) have been paid and finalized for a total of seventy-five (75) parking spaces. Conversely, seventy (70) applications to the Committee of Adjustment were approved for a total reduction of 1,216 parking spaces, or 16x the number of spaces for which cash-in-lieu was paid.

Although cash-in-lieu may not have been recommended for each application due to planning and traffic objectives, among other factors, it should be established as the preferred option. In this regard, City Council should request the Committee of Adjustment to not grant variances for reduced parking requirements where cash-in-lieu is an option. Similarly, zoning modifications should not be provided on a site specific basis where cash-in-lieu is an option.

It should be noted this report has been prepared in consultation with the Building Department, Parking Authority, Traffic Department, Cash-in-lieu of Parking Committee, Economic Development Department and Property Department.

### ***CONCLUSION:***

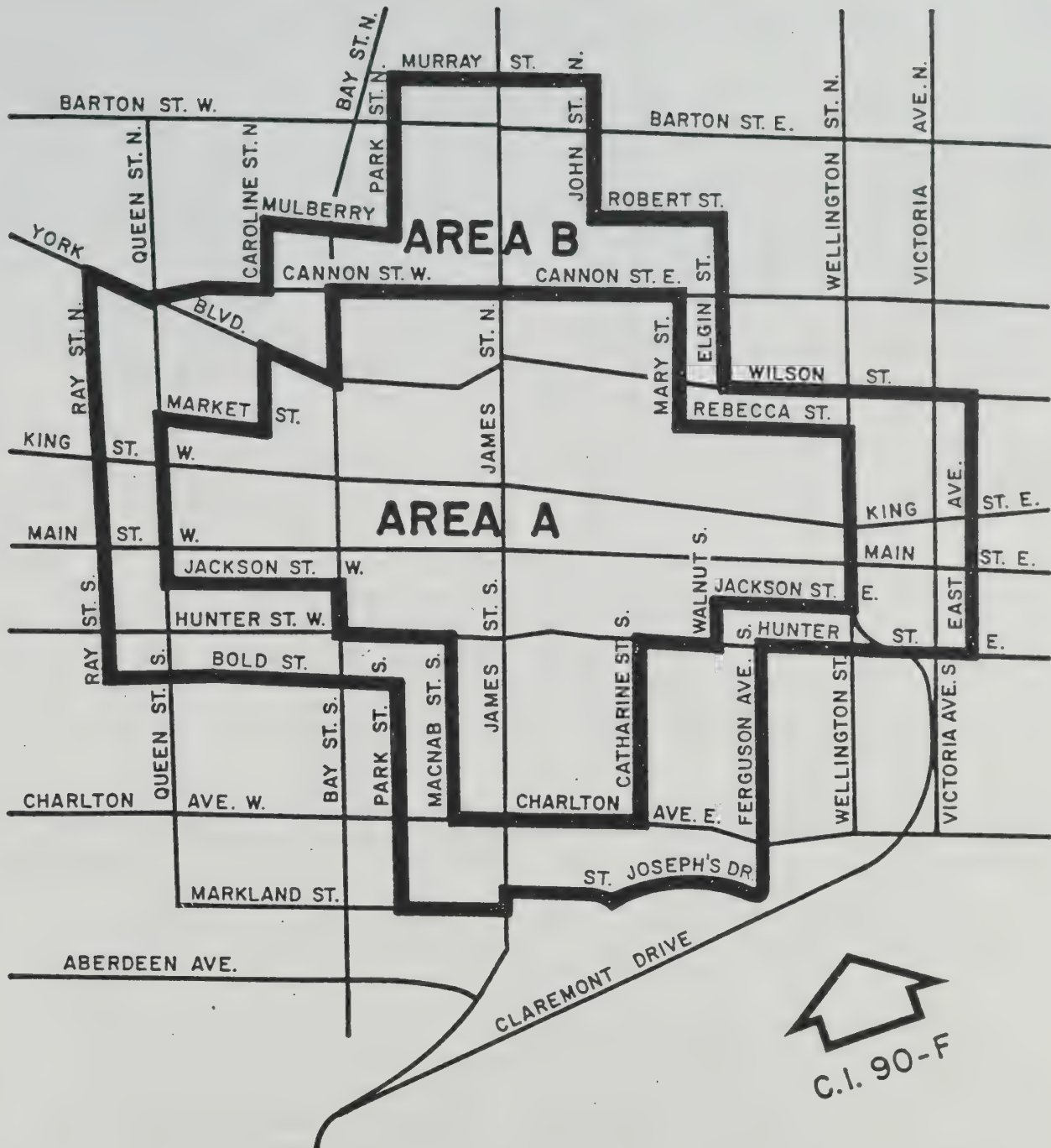
On the basis of the foregoing, it would be appropriate to:

- maintain the current parking standards for commercial development in the Central Area;
- maintain the current "Cash-in-lieu of Parking Policy"; and,
- request the Committee of Adjustment to not approve any applications for reduced parking requirements where cash-in-lieu is an option.

The foregoing actions would not preclude a further review of the parking standards, dependent on future economic activity in the Central Area and the supply of Public and Private Parking Lots.

No Public Meeting is required at this time, however, if action is taken a Public Meeting would be necessary.





## LEGEND

DELINEATES BOUNDARY OF THOSE AREAS  
IN WHICH PARKING FOR COMMERCIAL USES  
ARE REDUCED OR NOT REQUIRED.



# The Hamilton and District Chamber of Commerce

AMENDMENTS TO BY-LAW 6593  
Regarding Reduced Parking Requirements  
for New Commercial Development and/or  
Redevelopment in the Central Business District

JULY 25, 1990







# The Hamilton & District Chamber of Commerce

100 KING ST. W., SUITE 830, HAMILTON, CANADA L8P 1A2      PHONE (416) 522-1151

July 25, 1990

Mr. John Smith, Chairman,  
and Members of the Planning & Development Committee,  
City of Hamilton,  
71 Main Street West,  
Hamilton, Ontario.  
L8N 3T4

Dear Mr. Chairman & Members:

RE: AMENDMENTS TO BY-LAW NO. 6593  
re: Reduced Parking Requirements  
for New Commercial Development and/or  
redevelopment in the Central Business District

The Hamilton & District Chamber of Commerce has reviewed the documents concerning the proposal of the Planning and Development Committee with respect to the above amendments and would like to voice its concern for the following:

1. Item #1 calls for the elimination of reduced parking requirement in Area "A" and "B" for new commercial development and/or redevelopment and apply uniform parking requirements across the city.

While the Hamilton & District Chamber of Commerce acknowledges and understands the problems being experienced by the downtown area in terms of lack of available parking, we cannot support placing the burden of providing new parking spaces solely on the backs of new or re-developed property owners or developers. The costs would drive any new development in the downtown core to unreasonable and unattractive heights and make Hamilton less competitive for new development starts.

Secondly, the Chamber believes that it would not be good planning to apply uniform parking requirements across the city. Different densities exist between the downtown core area and other parts of the city and uniform requirements should not apply where demand doesn't warrant them.

2. Item #2 calls for a change in the "Cash-in-lieu" Policy from 50% of the total cost of the parking not provided to 100%.

The Hamilton & District Chamber of Commerce feels that this funding concept will put the financing of new parking spaces in the city squarely on the shoulders of new developments and assumes that only new developments are putting all of the pressure on parking demands.



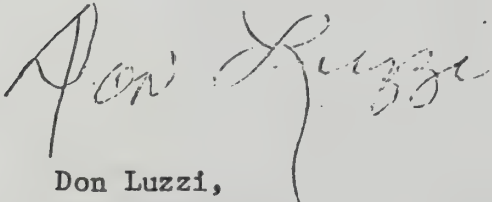
The Hamilton & District Chamber of Commerce acknowledges the City's dilemma as to how to alleviate the pressure on parking in the downtown core by creating more parking availability and at what cost to the taxpayer.

The Chamber suggests that the City of Hamilton call for proposals from the private sector to build more multi-tiered parking ramps and lease them back to the City as municipal lots. Our members have indicated that there is more than enough interest on the part of the private sector to do this based on the strength of a city tenant in a long term lease arrangement. This would eliminate any risk or financial burden on the taxpayer. The precedent for this has already been set in other parts of the country where municipal facilities are built by the private sector for public use.

The Chamber also suggests that uniform parking requirements across the entire city should not be considered at this time, and that each commercial development project be reviewed on an individual basis to determine appropriate parking levels based on density. The revenue from the cash in lieu policy should be utilized to provide parking areas in the affected neighbourhoods.

The Hamilton & District Chamber of Commerce opposes the proposed changes to By-Law 6593 with respect to increasing the costs and parking requirements of new or redeveloped commercial properties in the downtown area as we feel that this action will discourage construction downtown. The Chamber also believes that this is not the best solution to the shortage of parking in the downtown core. We would welcome the opportunity to discuss our concerns and work with the committee to come up with a policy that will not deter future growth and development for Hamilton.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Luzzi". The signature is written in dark ink and is positioned above the typed name and title.

Don Luzzi,  
President.



528-8369

[illegible]

August 8, 1990

## APPENDIX C



transit instead of personal vehicles to travel to and from work or when conducting business or shopping in the Central Business District (C.B.D.);

- that for the sake of the future appearance of the C.B.D., the amount of land used for car-parking should be kept to a minimum. (There was an expressed desire that Hamilton's C.B.D. should not look like so many other North American cities which have cores blighted by vast amounts of parking);
- that to encourage contiguous and integrated commercial development, new commercial buildings should not be required to provide parking on an individual basis;
- that commercial buildings in the C.B.D. do not, and should not, generate the same need for parking as do buildings elsewhere in the suburban areas of the City;
- that by having developers of commercial buildings provide parking, the City would only encourage greater use of personal vehicles in the C.B.D., thereby further aggravating traffic congestion and air pollution.

Based upon these planning considerations, the City has provided only a limited amount of public parking. In addition, parking fees have been kept relatively high and at par with those charged by the private sector.

The proposed parking requirement and cash-in-lieu policy would likely result in:

- the erection of fewer commercial buildings, generally having less commercial floor space, more freestanding buildings with parking around the building, and more garage and parking lot entrances that disrupt the streetscape appearance and create "dead spaces" of no visual interest to pedestrians;
- a relative reduction in future commercial redevelopment;
- a relative reduction in public transit ridership, increased traffic congestion and air pollution;
- a significant relative inflation in the rental cost of commercial floor space over the years;
- the establishment of most existing commercial buildings as legal non-conforming with respect to parking;
- the submission of numerous applications to the Committee of Adjustment for ByLaw variances to allow for renovations, additions, floor space conversions (etc.) involving an increase in commercial floor space.



The provision of additional public parking lots is expected to be of limited benefit to the owners of new office buildings because:

- many office tenants and their employees do not require parking and those that do usually make arrangements with private parking lot owners;
- public parking lots often do not suit the needs of office employees because of location, metered parking and cost;
- under the proposed ByLaw and policy, the future cost of public parking would be financed by the owners of new commercial buildings, whereas the financial benefit by way of parking fees would be reaped by the City. This hardly is fair!

It would appear that the proposals are based upon a rather simplistic financial consideration and not upon a broadly based assessment of planning philosophy, parking demand and long-term landuse, traffic, aesthetic and financial implications.

For all of the aforementioned reasons, the Committee is urged not to recommend the proposals.

Respectfully submitted,

Torbeek Ltd



per Richard F. Gaasenbeek, secretary.

cc. Bd. of Directors.





## CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

### FOR ACTION

REPORT TO: Susan Reeder, Secretary  
Planning and Development Committee

DATE: April 4, 1990  
COMM FILE:  
DEPT. FILE: P5-4-7-9

FROM: Charles Forsyth  
Chairperson, CAPIC

#### SUBJECT:

Cash in Lieu for Parking for Commercial Development

#### RECOMMENDATION:

That the current complete exemption from parking standards be replaced by a 50% parking requirement for commercial development to be applied to the CBD area (attached, Map 1).

That cash-in-lieu be based on 50-100% of the cost of creating parking as determined by the 'cash-in-lieu' committee in accordance with current practice.

#### BACKGROUND:

- o Currently commercial parking requirements in the downtown area are zero and for the area surrounding 50% (see Map 2) of standard requirements which apply to the rest of the City.
- o Special treatment of the downtown was provided to encourage development and to consolidate parking at specific points.
- o The City is short of funds for parking facilities and is examining ways of charging developers for growth related parking.
- o The Cooper's Lybrand report for the City recommends applying 100% parking requirements to all of the City including the downtown and allowing 'cash in lieu' payments at 100% of the cost of providing parking facilities.



## ANALYSIS

### PROVISION OF PARKING/CASH IN LIEU

Provision of uniform standards would allow for the provision of parking or cash in lieu to provide parking at the same rate for the downtown and the outlying areas.

### PARKING NEED

Need for parking in the downtown (per square metre of commercial use) is significantly less than for outlying areas according to the Traffic Department. Accessibility by transit, walking and car pooling reduce the need.

### MODAL SPLIT (Private vehicle v Transit)

Requiring parking to general standards which currently apply to outlying areas will encourage the use of the car and discourage the use of transit.

### DENSITY OF DEVELOPMENT

Requiring parking to general standards which currently apply to outlying areas will discourage higher densities and not maximize land use potential.

### DECENTRALIZATION

Requiring parking to general standards which currently apply to outlying areas will encourage the decentralization of commercial development throughout the Region and possibly beyond.

### ECONOMIC DEVELOPMENT

Requiring parking at general standards which currently apply to outlying areas may deter development altogether and prejudice the potential for job creation and tax reassessment in Hamilton's downtown. The downtown serves as a higher order centre for a wider area than the Region and it is important to maintain and increase this role.

### PARKING LOCATION

Requiring parking to general standards which currently apply to outlying areas is likely to result in haphazard provision of parking rather than a rational distribution throughout the downtown. Requiring 100% cash in lieu is less inducement to the developer to provide cash-in-lieu and results in less likelihood of consolidated parking.



## URBAN DESIGN

Requiring parking to general standards which currently apply to outlying areas is likely to lead to surface level parking which will break up the continuity of street and block form. Requiring 100% cash-in-lieu is less inducement to the developer to provide cash-in-lieu and results in less likelihood of consolidated parking. Although parking may be provided underground in the heart of the downtown, surface level parking is likely to occur on the edge of the central business district.

## POLICY DOCUMENTS

The Region of Hamilton-Wentworth Official Plan and City of Hamilton Official Plan recognize that the downtown of Hamilton serves as the centre of the Region and should be given special treatment to encourage development. One of the goals of the Central Area Plan is to "give greater priority to the Central Area in terms of planning, development, implementation, monitoring and promotion. Policy 4.8.7 iv states that major parking facilities should be arranged so as to minimize through traffic and reduce congestion.

## PUBLIC RELATIONS

Requiring parking to general standards will send out signals to the public and the development industry that

- development in the outlying areas and lower densities is encouraged at the expense of downtown development. The requirements will be the same for both areas yet the Central Business District requirement for parking is not as great as outlying areas. The incentive to build in the Central Business District will be lost. It is common practice to allow modified standards in other downtowns according to the Traffic Department.
- public transit should not be encouraged relative to use of private vehicles. It is more energy efficient to use transit than the private vehicle.

## CONCLUSIONS

The Coopers Lybrand proposal gives an accounting perspective which would provide parking or cash to provide parking.

However, there would be an overprovision of parking in the downtown. The proposal is likely to have a number of adverse planning impacts in terms of Economic Development, Transit, Land Use Patterns and Urban Design. It seems contrary to the intent of Official Policy documents which encourage a strong central mode and public transit, does not support the sustainable development approach and sends out signals that Hamilton's Central area does not have priority over other areas. The current situation recognizes the role of the downtown.



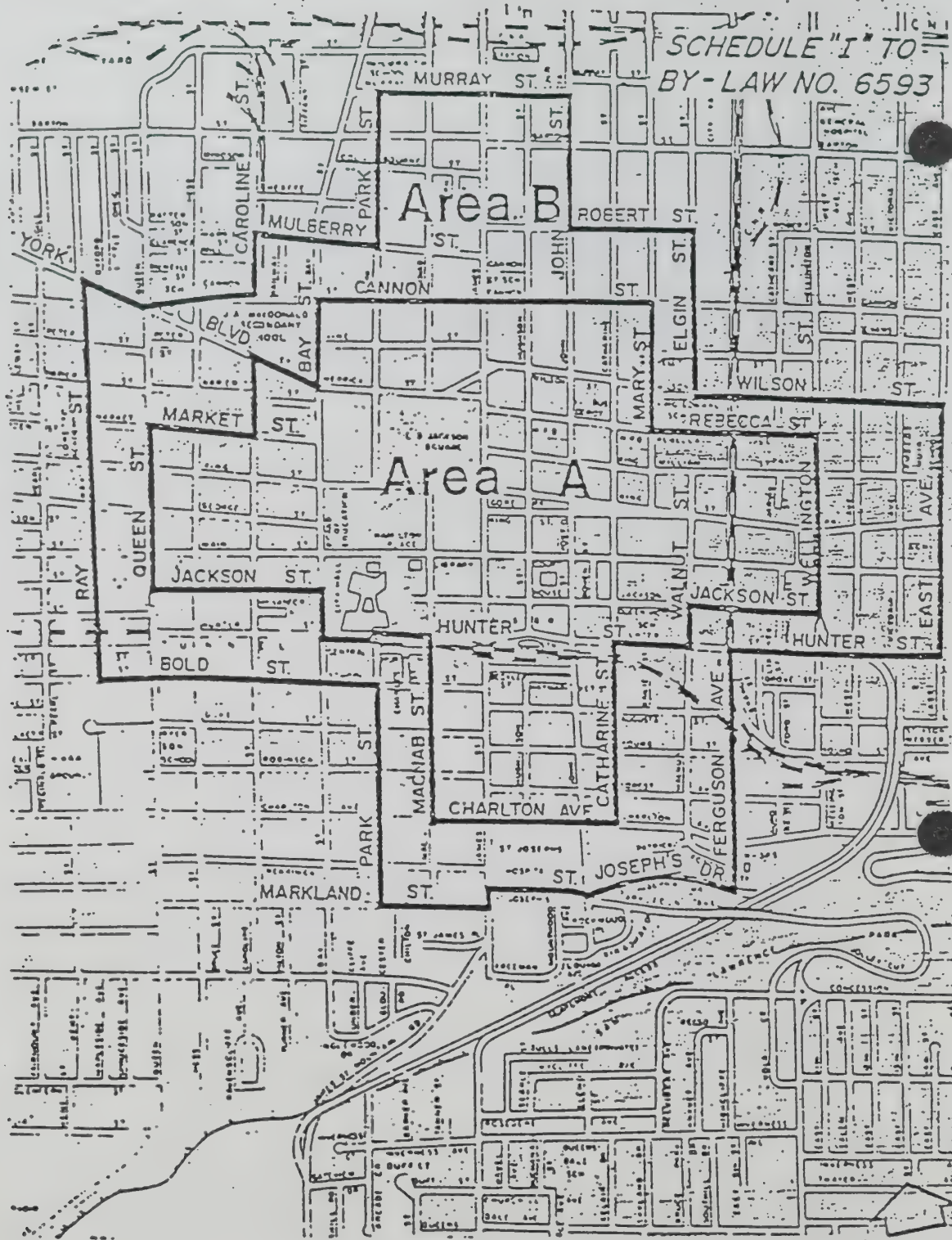
If the generation of parking spaces cannot come from the general revenue it is concluded that the planning impacts on the Downtown, City and Region should be mitigated by having 50% parking requirements with cash-in-lieu based on the current practice of payment of 50-100% of cost of providing parking spaces. The rate should be determined by the Cash-In-Lieu Committee, as it is now, to encourage an appropriate level and location of parking. The area of reduced standards should be the Central Business District as established by the Central Business District Study.

D.G.:NS

A:\CAPICREP



SCHEDULE "I" TO  
BY-LAW NO. 6593



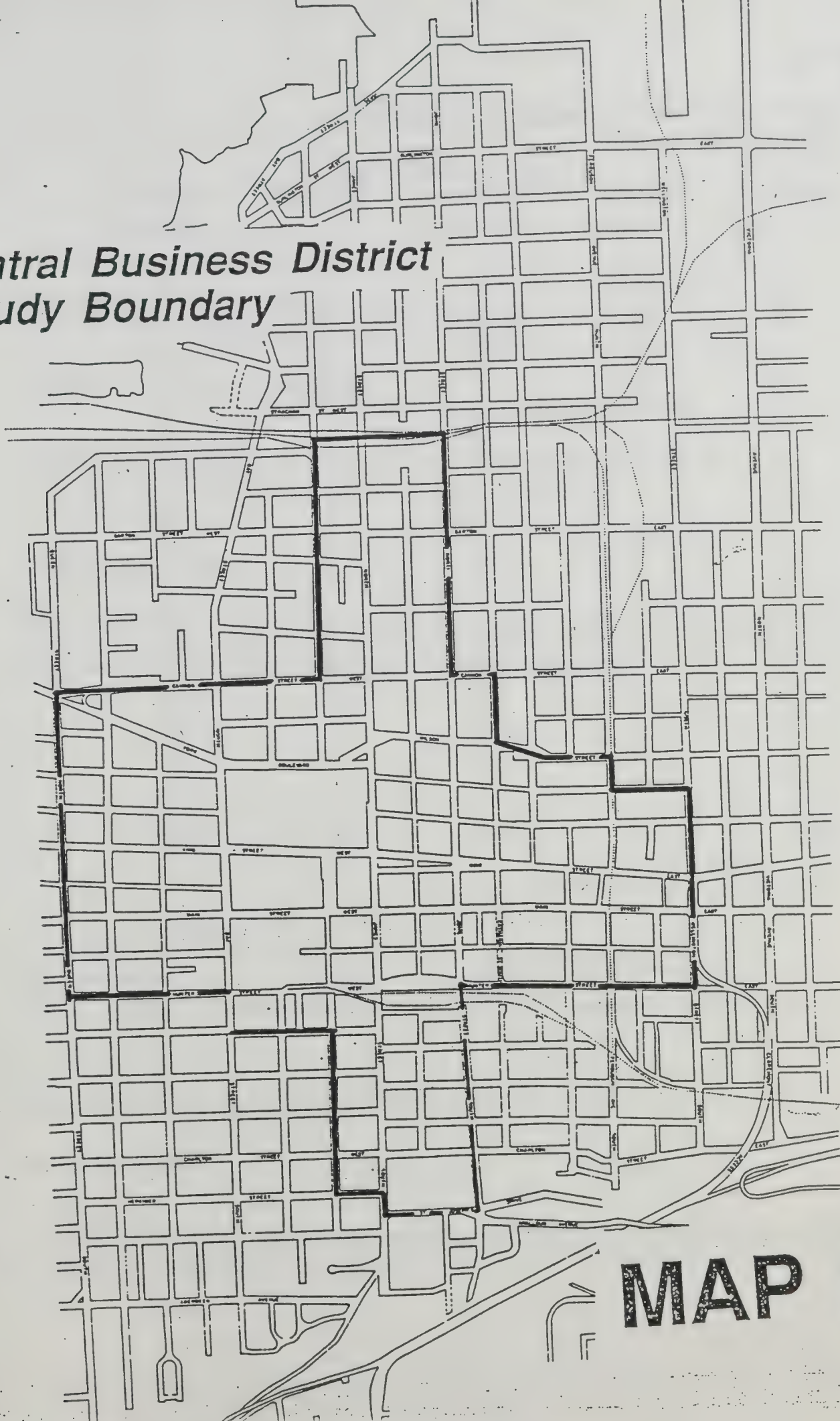
LEGEND

— Delineates boundary of those areas in which parking for Commercial, Public and Institutional uses are reduced or not required

MAP 1



# Central Business District Study Boundary



**MAP 2**



## 1993 Usage Rate for Municipal Parking Lots

(see Map - Appendix 'E')

<u>Legend #</u>	<u>Carpark #</u>	<u># of Spaces available</u>	<u>Usage in %</u>	<u># of Spaces used</u>
1	70	23	40	9
2	36	54	72	39
5	66	75	88	66
9	62	145	66	96
11	67	265	65	172
17	68	813	57	463
19	69	18	91	16
20	13	14	98	13
26	29	20	96	19
27	71	18	95	17
37	1	191	47	90
42	5	98	67	66
43	78	57	55	31
44	73	36	44	16
46	8	49	65	32
47	72	24	45	11
48	74	18	85	15
51	80	205	77	158
53	37	855	58	496
58	7	70	77	54
61	40	455	88	400
78	76	60	83	50
<b>total</b>	<b>22</b>	<b>3,563</b>	<b>70.8</b>	<b>2,329</b>

Source: Hamilton Parking Authority

## APPENDIX 'F'



7

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 17, 1994

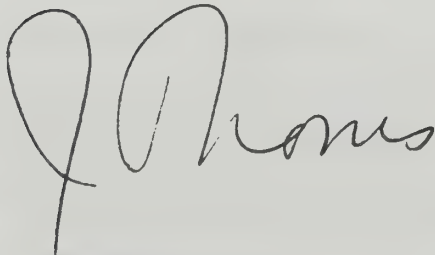
**REPORT TO:** Tina Agnello, Secretary  
Planning & Development Committee

**FROM:** J. D. Thoms, M.C.I.P.  
Commissioner, Planning and Development Department

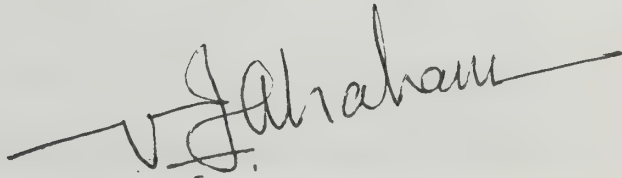
**SUBJECT:** The City of Hamilton's Special Legislation Regarding the  
Demolition of Designated Heritage Properties

**RECOMMENDATION:**

That City Council authorize and direct the City Solicitor to request Special Legislation which would extend the provisions of the Demolition Control By-law to all heritage properties designated under the Ontario Heritage Act, regardless of their use.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**  
**Planning and Development Department**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**The Issue**

In response to public concern regarding the loss of numerous and often significant buildings in the downtown and the proliferation of vacant sites or parking lots, Council's advisory



committees on architectural conservation (LACAC) and the Central Area (CAPIC) recommended to the Planning and Development Committee that the issue be investigated. At its August 25, 1994 meeting, the Planning and Development Committee approved a recommendation to examine whether additional legislation was appropriate to address these problems.

## RESULTS OF CIRCULARIZATION:

The following Agencies have no comment or objection:

- Building Department
- Law Department

LACAC approved the above recommendation at its meeting on May 16, 1994.

## ANALYSIS:

### Limitations of Existing Legislation

Currently, in addition to the requirements of the Building Code, there are two provisions whereby municipal councils can partially control demolition of buildings: (1) under the Planning Act, Section 33, Council may establish an area of demolition control by by-law in order to conserve the housing stock; and (2) under the Ontario Heritage Act, Sections 34 & 42, municipal councils can delay demolition of a designated property up to 270 days in order to look for an alternative solution which could preserve the heritage building.

#### (1) Demolition Control

When applied to a particular site, the Demolition Control By-law requires that a building permit for a new building be issued before demolition is permitted. The new building must be completed within two years. Council may grant an extension of construction time, if warranted. Refusal of an application for demolition is appealable to the Ontario Municipal Board. In Hamilton, the whole city is under demolition control. The limitation is that demolition control currently applies **only to the residential properties**.

#### (2) Ontario Heritage Act

The Ontario Heritage Act currently has no provision to extend the 270-day delay of demolition once it has expired, nor is there any provision to re-instate this temporary protection at a later date, if the building had not been demolished. The limitation of the Heritage Act is that it **does not prevent demolition** of designated building beyond the prescribed waiting period. Although this weakness has been fully recognized in the seven-year review of the legislation, many communities have undertaken their own initiatives through Special Legislation to address the problem, because of the repeated delays in bringing forward a revised Heritage Act.

To summarize, under present legislation, municipal council can prevent demolition of a residential property for a vacant site or parking lot, but can **not prevent demolition** of a



designated non-residential building (theatre, school, church, industrial or commercial building, etc.) for a vacant site or parking lot after the 270-day delay is over.

### Special Legislation

It is proposed to extend the provisions of demolition control to designated buildings by means of Special Legislation. This legislation would allow Council to deny demolition of **all designated properties** in Hamilton--not just those in residential use--until a Building Permit for a new building has been approved. This Special Legislation would be brought forward as An Act Respecting the City of Hamilton, in the form of a Private Member's Bill.

### Precedents

Many communities in Ontario have already extended the coverage of demolition control to all buildings designated under the Ontario Heritage Act by means of Special Legislation. Toronto led the way in 1987; the Town of Markham and the City of London in 1990; Burlington, Oakville, Richmond Hill and Vaughan have all completed or are still in the process of obtaining this legislation. All these communities have very similar legislation, which specifically targets designated buildings.

### Effect of Special Legislation

The general effect of extending demolition control to designated buildings would be to conserve heritage buildings and to keep them in productive use, thereby retaining the value of the properties. Such conservation measures are in line with the goals and objectives of sustainable development and Hamilton-Wentworth Region's new sustainable plan, Vision 2020.

The specific effect of this legislation for Hamilton is to bring demolition control provisions to approximately 30 additional buildings in the City, including those churches, schools, and other non-residential buildings which are designated under the Heritage Act. No longer could these buildings be demolished and left as a vacant property or a parking lot without Council's permission, as is now the case.

### **CONCLUSION:**

Based on the foregoing, this proposed Special Legislation will succeed in giving Hamilton City Council the authority to require a permit for new construction before allowing demolition of a designated heritage property, thereby preventing the loss of heritage buildings for vacant sites or parking lots. A number of communities in Ontario have set the precedent for this action by obtaining Special Legislation. Approval of the above recommendation will initiate this legislative process.







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

8

**DATE:** May 6, 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

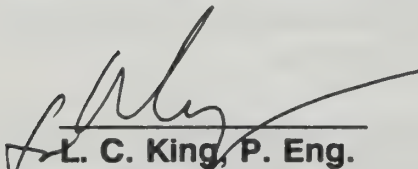
**FROM:** Mr. L. C. King, P. Eng.  
Building Commissioner

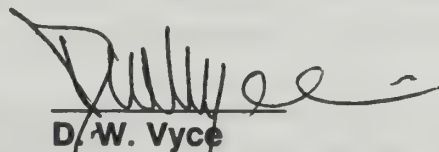
D. W. Vyce  
Director of Property

**SUBJECT:** ADMINISTRATIVE FEES AND FUNCTIONS  
PURSUANT TO CITY OF HAMILTON BY-LAW 84-35  
(94.2.4.2.1.A, 94.4.11.)

**RECOMMENDATION:**

That the Building Department be solely responsible for the function of providing contractors for the cutting of grass and removal of debris on private property, pursuant to the authorities contained in By-Law 84-35 which is enforced by the Building Department, effective June 1, 1994.

  
L. C. King, P. Eng.  
LCK/BDA/sb  
Encl.

  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Loss of revenue to the Property Department in the amount of approximately \$8,900 per annum.



**BACKGROUND:**

By-Law 90-345 passed in 1990 authorizes the Building Commissioner to give immediate effect to any Order issued pursuant to Section 7 of By-Law 84-35, that has not been complied with by the owner, where the cost of doing the work to comply with the order does not exceed \$2,000. By-Law 84-35 is commonly referred to as the "Dirty Backyard By-Law". Since implementation, the Property Department has co-ordinated the use of contractors for the cutting of grass and the removal of debris on private property to comply with Orders issued by the Building Department pursuant to By-Law 84-35. This process was established at that time by mutual agreement due to the fact that the Property Department, Real Estate Division, had already been involved with such a practice to enable them to maintain existing City properties. Furthermore, the Property Department could be seen to act independently from the Building Department, who issues and enforces the Order to Comply.

The process has been re-examined as a result of a concern expressed by Alderman Agostino, that the costs of administering the program, which are charged as taxes to the property owner not in compliance, were excessive. Under the present system, both the Property Department and the Building Department charge administration fees for this service.

In analyzing the process, it was determined that if the Building Department acted as both the issuer of the Order to Comply under the By-Law and the Department responsible for rectifying the matter of non-compliance to the By-Law, i.e. grass cutting or clean-up of debris, then it would result in less administrative time being spent by City staff and subsequently less cost to the homeowner.

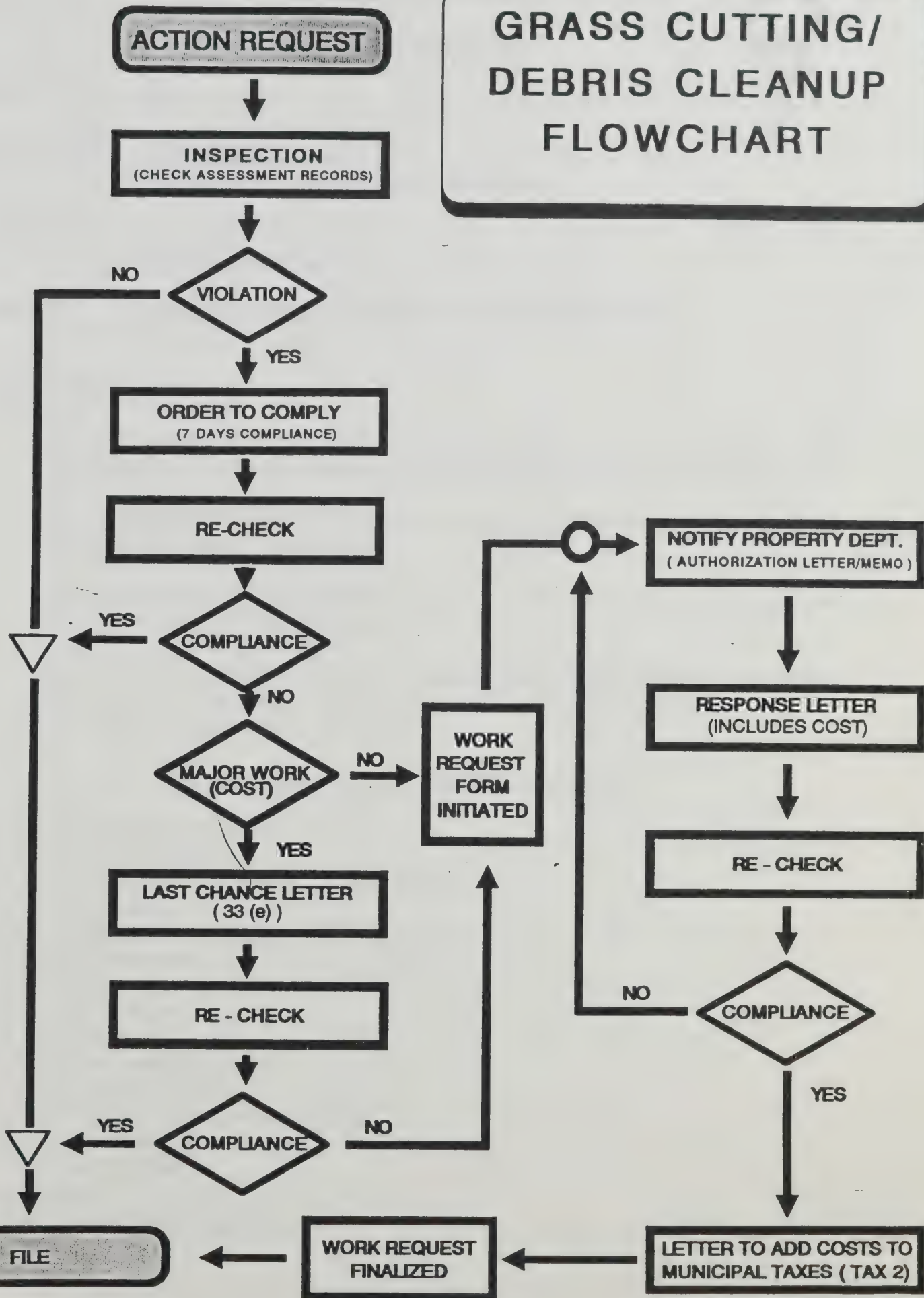
Annually, the Building and Property Departments administer approximately 250 enforcements under By-Law 84-35. The Building Department have staff available to undertake this work.

The attached flow chart shows the area of duplication which will be removed should this recommendation be approved.

The shaded portion of the flow chart indicates the work done by the Property Department.



# GRASS CUTTING/ DEBRIS CLEANUP FLOWCHART









**CITY OF HAMILTON**

**- RECOMMENDATION -**

9

**DATE:** May 5, 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** BARTON STREET DEVELOPMENT CORPORATION  
(94.2.14, 94.2.4.2.1.A)

**RECOMMENDATION:**

- a) That the Building Department be directed to prepare the terms and conditions for the Barton Street Community Development Corporation.
- b) That the Law Department be directed to prepare the Letters of Incorporation for the Development Corporation.
- c) That the Treasury Department be directed to prepare the Books of Account for the Development Corporation.
- d) That prior to the establishment of the Development Corporation and approval of a Board of Directors that an interim Barton Street Implementation Committee be established as follows:

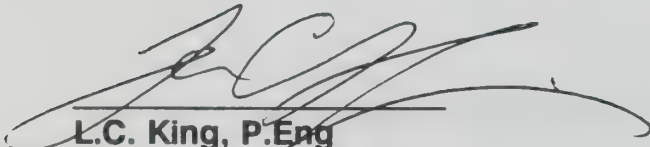
**Barton Street Implementation Committee**

Building Department, Chairman  
Two Alderman, Ward Three  
Ministry of Economic Development and Trade  
Ministry of Housing  
Ministry of Municipal Affairs  
Hamilton Arts Council  
Hamilton Artists Inc.  
B.I.A. , One Landlord  
B.I.A., One Tenant  
One Landlord, outside B.I.A.  
One Tenant, outside B.I.A.  
Social Planning and Research Council  
St. Matthews House  
Planning Department  
Public Works  
Building Department, Housing and Loans Division

17 Members



The foregoing is subject to approval from the Province of Ontario for start-up funds for the Barton Street Development Corporation as well as an allocation of \$5-million for implementation of the Barton Street Development Programme.



L.C. King, P.Eng  
LCK/JHR/dc

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

The establishment of a Municipal Development Corporation is a new concept which was recently made possible by the Provincial Government passing of Bill 40 and the forming of Community Development Corporation Act. This complicated piece of Legislation enables municipalities to actively promote and even finance development within the community. The first part of this report will attempt to outline the scope of the Act, while the second part will discuss its specific application to Hamilton and the Barton Street Development Programme.

**What is a Community Development Corporation?**

This concept, while new to Ontario, has been utilized in the U.S. and Western Canada and has been successful in stimulating local economies while addressing municipal needs concerning redevelopment. The idea is that a Local Municipal Corporation with a local Board of Directors would develop an investment fund from local sources including individuals, banks, credit unions, mutual funds, etc.. This corporation would invest in local businesses or in facilities for local businesses. These are non-profit organizations and the Province will provide start-up funds to help municipalities form the Corporation. The Building Department has made application for this funding from the Province.

The Municipal Development Corporation can undertake a variety of tasks including coordinating the implementation of community strategic plans, providing local leadership training and development, facilitating partnerships, and providing advice, assistance and expertise to businesses. The Development Corporation can also provide financial incentives.



What are its powers?

A Municipal Development Corporation could create Community Loan Funds and Community Investment Corporations.

The loan funds will provide local investors a chance to support small business and access loans ranging from \$500 to \$15,000. The Province would guarantee the principal for local investors. The loans would be administered by existing financial institutions who agree to work with the Development Corporation.

The Community Investment Share Corporations as set up by the Development Corporation would provide a source of equity financing for enterprises with the Province guaranteeing the principal.

The Province is allocating, province wide, \$10-million for a Community Loan Fund, and \$20-million for the Community Investment Share Corporations. The maximum funding can reach \$500,000 for local start-ups and expansions under the Investment Share Corporations.

What are the controls?

The Municipal Development Corporation is a non-profit organization established by the municipality. The Board of Directors is appointed by City Council. The Corporation is subject to audit and its financial and legal responsibilities are outlined in the Community Development Act, as approved by the Province of Ontario.

The Development Corporation acts independently of City Council except for the approval of appointments and audits. The municipality does participate and contribute, therefore, they do have some control of its activities relative to their contributions.

Proposal for Hamilton's Development Corporation

It is proposed that a Municipal Development Corporation be formed specifically to address the development of Barton Street. This would allow the Development Corporation to concentrate on one area with the expertise drawn specifically from that part of the community which has the greatest interest in seeing that the programme is successful. As demand and resources become available, other Development Corporations could be formed in the municipality to address specific economic and development issues. It is envisioned that in the future, with the expertise gained on Barton Street, that corporations could be formed for the Downtown, Ottawa Street, and perhaps Kenilworth Avenue.

The approximate \$5-million, tentatively approved for Barton Street would be used as per the programmes outline in a report to the Planning and Development Committee and City Council in January of this year.



It is our belief that before we can actively pursue other aspects of the Act, we must demonstrate to the business and financial community that we are committed to the project. It is also obvious that without this "up-front spending" it will be impossible to obtain the necessary support from the private sector to invest privately on Barton Street.

It is proposed we set up an implementation committee to allocate the \$5-million and at the same time take the necessary steps to form the Development Corporation. The assets and approval process for loans and grants could be transferred over at a later date once the Development Corporation had been registered and in operation. This would allow the municipality to address the immediate problems on Barton Street while establishing the framework for long term solutions.

If this proposal is accepted, it is expected that in the future, as more corporations develop, and their expertise on obtaining and raising funds increase, that the financial resources would be pooled. This of course would require a higher committee structure and might resemble the Board of Directors of the Municipal Non-Profit Corporation. As present, however, it is strongly recommended we work on Barton Street as a demonstration programme and we grow and expand as we gain expertise.

#### Costs

Initially it is anticipated that the existing staff in the Building Department and Public Works Department will be able to implement the \$5-million dollar redevelopment programme. However, once Barton Street Development Corporation is operational and assumes the full range of responsibilities afforded by the Provincial Legislation, additional staff and expertise will be needed. These costs, however, will be an eligible programme expense and might be able to be offset by recoveries on loans provided to the community.

#### Progress to Date

The Building Department has met and will continue to meet with the three provincial ministries presently involved in the process. They include the Ministry of Municipal Affairs, Ministry of Housing, and the Ministry of Economic Development and Trade. It should be noted that they are all very receptive to the city initiative and are co-operating in every regard.

We have, as you are aware, designed and received Council approval on programmes which we feel will address the Barton Street issues. We are having ongoing meetings with the Hamilton and Region Arts Council and they and their members support a concept of an artisans community for Barton Street. They are making a separate application for funding with the intent of becoming a major stake holder on Barton Street. The various programmes have also been discussed with the Barton Street B.I.A. and we have their support.



What next?

The Building Department will continue to meet with the provincial ministries and attempt to formulate a reasonable time frame to have in place a Municipal Development Corporation. A formal proposal will not be forwarded until the \$5-million dollars is available from the Province.

The Department will develop an operating manual for the Development Corporation which will be presented to the Planning and Development Committee and City Council for critical review and comment. It is also proposed that before any action is taken, a draft will be sent to the various city departments including Law, Treasury, Public Works, and Planning.

If we continue to make progress at the present rate, it is anticipated that a complete package will be available by July or August of this year. The Provincial Regulations on Bill 40 are presently not available. It would be irresponsible for the Department to make final recommendations on the formation of a Development Corporation until the Regulations are available and the ramifications understood. We can, however, be in a position to implement the Barton Street Development proposal as soon as the Province approves the \$5-million dollar expenditure. For this reason, we are proposing the establishment of an Implementation Committee prior to the formation of a Development Corporation. This Committee will be made up of seventeen members and will include the following:

P. Lampman,	Building Department, Chairman
D. Drury,	Alderman, Ward 3
B. Morelli,	Alderman, Ward 3
J. McReynolds,	Ministry of Economic Development and Trade
D. Martin	Ministry of Housing
L. Read	Ministry of Municipal Affairs
P. Beckett	Hamilton Arts Council
R. Johnson	Hamilton Artists Inc.,
M. Pennock	Social Planning and Research Council
To be appointed	St. Matthews House
B. Janssen	Planning Department
H. Milsome	Public Works
J. Robinson	Building Department
To be appointed	B.I.A. Tenant
To be appointed	B.I.A. Owner
To be appointed	Owner outside B.I.A.
To be appointed	Tenant outside B.I.A.

It should be noted that it is anticipated that the make-up of Corporation will be different from the Implementation Committee as additional expertise will be needed, including representation from the banking community and the Treasury, Law, and Economic and Development Departments.







10

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 May 18

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Director of Public Works

Mr. V. Abraham  
Director of Local Planning

**SUBJECT:** Revitalization of Ferguson Avenue - Barton to Cannon Streets.

**RECOMMENDATION:**

- a) That the concept plan for the revitalization of Ferguson Avenue between Barton and Cannon Streets (attached as Schedule 'A') be approved for implementation of the roads, sidewalks and curbs under the Local Improvement Act.

  
\_\_\_\_\_  
**D. Lobo**  
Director of Public Works  
\_\_\_\_\_  
**V. Abraham**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The Public Works Department, Streets and Sanitation Division, will proceed with the redevelopment of this section of Ferguson Avenue under the Local Improvement Act. The City's cost will be covered under the Local Improvement Capital Account, administered by the Public Works Department. The abutting property owners will be responsible for their portion of the improvements as dictated by the Local Improvement Act. The estimated cost for construction of this section of Ferguson Avenue is \$823,570. The Local Improvement Act will cover the cost for the road, sidewalk and curbs which are estimated at \$421,300. As per City policy one percent or \$4,213. will be utilized for tree planting. Lighting will be implemented under the City's Capital Budget for Street Lighting which is estimated at \$147,000. The remaining elements of the Plan will be implemented once capital budget monies are approved through the Capital Budget process. At the present time monies are identified for the revitalization of Ferguson in 1997.



## **BACKGROUND:**

In June 1992, City Council approved the establishment of the Ferguson Avenue Revitalization Advisory Committee (F.A.R.A.C.), comprised of representatives from the Beasley, Corktown, North-End East neighbourhoods, the International Village B.I.A., the Central Area Implementation Plan Committee, the Urban Design Committee, the Central/Beasley PRIDE H.INT. Committee and support from the staff of the Public Works and Planning and Development Departments. The mandate of the F.A.R.A.C. was to define the study area (Ferguson Avenue plus adjoining land); to facilitate the preparation of the terms of reference for the consultant study of Ferguson Avenue, to assist in the selection of the consultant, to provide feedback to the consultant as the work progresses and, to ensure the public participation component of the study.

The overall concept for Ferguson Avenue is to create a pedestrian/bicycle oriented corridor that recognizes the diversity of the individual neighbourhoods, improves and links them and connects the mountain to the Bay. It also plays a vital role in linking those elements to the Central Business District through the International Village B.I.A. It is intended that the streetscape and urban edge serve as a catalyst to continue the upgrade of physical, social, economic and environmental well being of the community.

In April 1993 the firm Johnson, Sustronk, Weinstein & Associates was hired as the Consultant for the creation of a Ferguson Avenue Master Plan. A series of meetings were held with the F.A.R.A.C. as well as public workshops to discover the needs, visions and desires of the community for the redevelopment of Ferguson Avenue. The following components were identified as priorities to be included in the redevelopment of Ferguson Avenue from those meetings:

- Green
- Heritage
- Safety
- Building Improvements
- Pedestrian Emphasis

Potentials for these components include: creating a green treed corridor where possible along the road allowance of Ferguson Avenue; acknowledging the original water inlets from Hamilton Bay to King Street and the railway corridor; the preservation of historical buildings; orienting buildings to the street, bringing more housing to the downtown; increasing visibility through lighting and attention to children, the elderly and the physically challenged; rehabilitation of vacant industrial sites; reuse of existing buildings for housing, office and commercial and upgrading of existing building facades to improve the visual quality of the community.



The redevelopment of Ferguson Avenue provides an opportunity to achieve the goals and strategies of sustainable development as set out in the Regional Municipality of Hamilton-Wentworth's Vision 2020.

The completion of the Ferguson Avenue Master Plan is anticipated for July 1994. Due to the Carter Square development that has commenced on the west side of Ferguson Avenue between Barton and Cannon Streets, it is necessary to bring the concept plan forward for that portion of the redevelopment to ensure that the improvements for this area are carried out as per the overall Master Plan for Ferguson Avenue in conjunction with the Local Improvement Act.

At its meeting held 1994 May 05 the F.A.R.A.C. reviewed the subject concept plan and unanimously approved the implementation of same.

HM:hm

c.c. A. Ross  
City Treasurer  
Treasury Department

R. Meiers  
Operations Engineer  
Public Works Department

H. Milsome  
Co-ordinator of Community Renewal  
Public Works Department

B. Janssen  
Division Head  
Planning Department







# BEASLEY NEIGHBOURHOOD ASSOCIATION

c/o Peter Pasalic  
Treasurer  
132 Robert Street  
Hamilton, Ontario  
L8L 2P6

President: James Drake 525-8933  
Vice President: Ken Hastings 529-2503



GORE PARK FOUNTAIN 1859 -1959

May 25, 1994

Don Drury,  
Chairman,  
Planning and Development Committee,  
City of Hamilton,

Subject: FERGUSON AVENUE FROM BARTON TO CANNON UNDER LOCAL IMPROVEMENT.

Mr. Chairman,

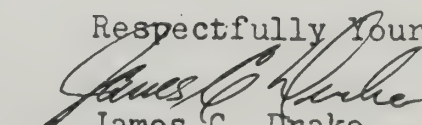
Please be advised that we wish to appear as a delegation before your Committee to speak in opposition to the proposed redevelopment of Ferguson Avenue from Barton to Cannon.

Our concerns are threefold:

- 1) The proposed lay-out of the street does not make allowance for individual driveway approaches to the C.N. lands on the east. We consider it preferable to have the proposed townhouses on C.N. lands fronting onto, rather than backing onto, Ferguson Avenue. This issue has been agreed to in our negotiations with both C.N. and the Municipal Non-Profit Housing Corporation.
- 2) The physical treatment of the street, all stone pavers are proposed, represents a significant increase in the cost of the project. Also, as a significant amount of construction is anticipated in the area, we are concerned about the potential deterioration of the road surface due to the passing of heavy construction equipment. We have already experienced the demise of similar road treatment in the area of the Gore, the repair of which incurred additional costs.
- 3) F.A.R.A.C. was mandated by Council to "ensure the Public Participation component" of its study. The Ferguson Avenue study is incomplete, and, none of its final proposals have gone before a public review. Moreover, the proposal for this portion of the street is contrary to the input received at public workshops to date, in terms of its design. The current proposal takes this portion of Ferguson Avenue out of context with the remainder of the study area, and, certainly denies the process outlined to complete a comprehensive study.

Please advise us when we may appear before your Committee to elaborate on these concerns.

Respectfully Yours,

  
James C. Drake  
President







# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 17 May 1994

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Joy Dubbeld, Acting Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** St. George's Anglican Church -  
Designation Recommendation

### RECOMMENDATION:

- a) That City Council give approval to the "Intent to Designate" St. George's Anglican Church and Sunday School at 10 Tom Street as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A", pursuant to the provisions of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

### BACKGROUND:

LACAC is in receipt of a letter written on behalf of the congregation of St. George's Anglican Church, requesting the heritage designation of their church building at 10 Tom Street.

Church representatives, Jeff Shanlin, John Ferns (Rector's Warden) and Jack Fearnley (People's Warden) appeared as a delegation before LACAC at its last meeting held May 16th. Following their presentation, LACAC agreed to the designation and referred the matter to the Research Subcommittee to evaluate both the Church and Sunday School building and requested staff to prepare the Reasons for Designation. After being informed that the Diocese of Niagara intended to close the Church on June 5th, 1994, LACAC requested that a designation recommendation be forwarded to the Planning and Development Committee for consideration at its next meeting on May 25th.



The Church (erected in 1890 and enlarged in 1902) and Sunday School building (erected in 1911 to serve as a parish hall and gymnasium) are both listed on the City's Inventory of Buildings of Architectural and/or Historical Interest. At its meeting held May 17th, the Research Subcommittee agreed that both buildings were eligible for designation.

Attachment

cc: Patrice Noé Johnson, City Solicitor



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

12

**DATE:** January 24, 1993

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. E. M. Gill, P. Eng.  
Senior Director, Roads Department

Mr. L. C. King, P. Eng.  
Commissioner  
Building Department

**SUBJECT:** Lot Grading Control with Respect to Land Severance  
Applications Creating One, Two and, Three Lots.  
(E205-05) (93.2.4.2.1.A, 93.2.6.1)

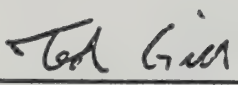
**RECOMMENDATION:**

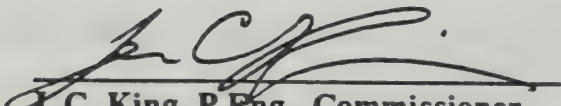
On land severance applications for one, two, or three lot developments,

- a) That the Land Division Committee be informed, that the City of Hamilton requires, as a condition of approval of such applications,
  - (i) That the applicant (prior to the granting of Consent to a severance) enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
    - (aa) Applicant's engineer to prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel;
    - (bb) Applicant's payment of the following fees:
      - for grading inspection, a fee of \$153.00 per parcel;
      - administration fee per agreement \$350.00;
      - a refundable security of \$2,000 per parcel, to be refunded when lot grading certified completed;
    - (cc) Agreement to give City of Hamilton an easement to enter the land to complete the approved grading;



- (dd) 1) Grading to be completed by applicant within six months of insulation inspection date or City of Hamilton has right to complete the grading.
  - 2) Security deposit to be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership, registration of the Agreement (and its easement) to the City;
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other departments submitted to the Land Division Committee.
- b) Upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed,
  - (i) The City Clerk is authorized to execute a discharge of the Lot Grading Agreement,
  - (ii) That the balance of the security received by the City not required for enforcement, be refunded to the applicant without interest.
- c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided for herein.
- d) That the Building Department staff complement be increased by one Customer Service Representative. This position to remain vacant until revenues are sufficient to fund the costs.

  
E.M. Gill, P. Eng., Senior Director  
Roads Department

  
L.C. King, P.Eng., Commissioner  
Building Department  
EMG/CU/LCK/PCL/dm



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There is no financial impact on the City of Hamilton's budget in that the projected annualized costs of \$55,000 will be entirely offset by anticipated revenues.

Lot grading controls imposed as a condition of approval to "Land Severance Applications" before the Land Division Committee is recommended above as it is the most cost effective method to regulate grading on newly established one, two, and three lot severances.

Annualized gross costs of \$55,000 would be incurred to implement and operate the new lot grading requirements. These would be entirely recovered by the proposed user fees. The Building Department would not hire any additional staff until such time as revenues are sufficient to pay either a full time employee or a contract position. The City Treasury Department has advised that additional costs may be incurred for maintaining records of the \$2,000 refundable security.

#### **ANALYSIS:**

The City of Hamilton could impose, as one of its conditions of severance approval that the applicant be required to enter into a Lot Grading Agreement with the City, so that the City could control lot grading related to land severances creating one, two, and three lots.

Under the above recommendation, the applicant would be required to have its engineer prepare a grading plan and inspection controls at the applicant's expense, in the similar manner that severances of four or more lots and subdivisions are presently handled. However, as the above controls are for three or less lots, it is considered that the Building Department, which already works closely with the small developers, can (in place of the Roads Department) under the existing administration and inspection fees, administer these controls without additional administrative costs to the City of Hamilton.

The applicant would as a term of the Agreement, be required;

- (a) Submit to the Building Department a detailed lot grading plan, prepared by a Professional Engineer, for each lot being developed. Staff would review the plans for obvious errors and ensure that the Engineer's seal and signature were on the plans.
- (b) To give an easement to the City of Hamilton to enter the property in the event the City decided to complete the grading as a result of the applicant not completing the grading as required in the Agreement.



- (c) To provide the City with a security deposit in the amount of \$2,000/lot to ensure the grading is completed.
- (d) Upon completion of the grading, as required, to have a Professional Engineer certify to the City of Hamilton, that the grading had been completed in accordance with the approved detailed grading plan. If the grading is not so completed, the City may complete the work and use the security deposit to recover its costs. The Lot Grading Agreement would be discharged after the City receives and accepts the grading certificates.

The City of Hamilton would charge the applicant an inspection fee of \$153 per parcel - maximum of \$459 for three lots - this is the same rate applicable to existing lot grading controls on subdivisions. An administration fee of \$350 per Agreement would also be charged to offset review and preparation costs.

The applicant's fees, payable to the City of Hamilton referred to above, will be \$503 to \$809 depending upon the number of lots being developed (maximum of three lots). These costs include an inspection fee of \$153 per parcel and \$350 for the Lot Grading Agreement. The applicant will also provide the City with a security deposit in the amount of \$2,000 per lot. This security deposit will be refunded after the grading has been completed and the City has received and accepted the grading certificates.

It is estimated that the applicant will also incur private engineering costs of \$400 to \$1,200 (depending upon number of lots being developed, maximum of three lots) plus related legal expenses.

The advantages with respect to regulating lot grading as part of the Land Division Process are:

- The City of Hamilton could control grading related to one, two, and three lot severances ensuring that neighbouring properties are not negatively impacted by new development.
- The applicant's fees and costs could be recovered like all other property development costs from the purchasers of the newly created lots, and from the increased value of the applicant's lands as a result of the granting of the severances. These costs will also be an investment against future potential claims for damages to neighbouring properties related to drainage.
- The City of Hamilton will offset much of its costs by utilizing the Building Department and charging inspection and administration fees.



The only limitation with respect to the above controls is that the land severance process would not regulate either in-filling or private homeowner grading disputes.

**BACKGROUND:**

The City of Hamilton currently controls lot grading,

- (i) With respect to lands developed under the subdivision process - with the Subdivision Agreement;
- (ii) With respect to four or more lots created by land severance - by a Modified Subdivision Agreement.

The Committee has requested our Departments to review the feasibility of also implementing lot grading controls where only one, two, and three lots are created by land severance. It is our conclusion that the preferred method to regulate such lot grading is by means of the Lot Grading Agreement process outlined in the above recommendation.

**Alternatives:**

We have also examined, but do not recommend, the following two alternative methods to regulate grading on one, two, and three lot severances.

1. Lot Grading Control through the Building Permit Process.
2. Lot Grading Control through the Site Plan Control Process.

1. Lot Grading Control through the Building Permit Process

The Building Code regulations appeared to impose lot grading control, however, upon review, it is recognized that the Code's references to grading are exclusively for the narrow purpose of protecting the integrity of the building foundation and not the general grading of the property and its adjacent lands. The Regulation controls the immediate area of approximately 1.0m around the outside perimeter of buildings to protect the building's footings. Therefore, the building permit process is not available to control lot grading.

2. Lot Grading through the Site Plan Process

The Site Plan Process could be utilized to control lot grading in one of two ways. The City of Hamilton could either adopt a By-law to require all developments within the City of Hamilton to be completed under Site Plan Control or, when lands are being severed, a condition of severance approval could be that a Consent to severance not be granted until the site is designated subject to Site Plan Control.



If the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development that will not be regulated by a Lot Grading Agreement (because no severance approval was required by the owner).

Lot grading control through the site plan process is not recommended at this time as it is a more complex review and time consuming process than required for one, two, and three lot severances. Further, such method of control would be more costly to the City of Hamilton and to the applicant than the Lot Grading Agreement recommended above.

Also, at the present time, due to enforcement problems, site plan control procedures are under staff review for improvements. The Lot Grading Agreement method recommended above will be more enforceable as it will include security and registration of the Agreement by the owner who is marketing his land.

#### **Grading Controls for lands not being severed - established lots**

The City of Hamilton's current policies as amended by the above recommendation, will control lot grading on all land severances, but not where there is in-filling development on established vacant lots and not where existing private properties are regraded.

Each year in Hamilton there are usually about 160 severances of one, two, and three lots. We receive only two or three concerns per year with respect to their grading. Approximately 30 to 40 grading inquiries are received annually regarding re-grading of private properties.

A number of municipalities were contacted to find out how they are handling lot grading related to lands developed under the land severance process. The municipalities contacted were the Town of Ancaster, City of Stoney Creek, City of Burlington, City of London, City of Mississauga, and the City of Oshawa. Although these municipalities require a grading plan to be submitted for approval with respect to severances, generally, lot grading disputes that arise between private property owners, where the properties are outside development control, are considered civil matters to be resolved by the parties only.

The City Solicitor has advised that the City of Hamilton has no jurisdiction under the Municipal Act to pass by-laws to regulate grading generally and to enter private property to enforce grading. If someone modifies their grading and it causes a negative impact upon the neighbouring properties, it is a matter between the neighbouring landowners. The private property owners must settle their dispute amongst themselves or failing a resolution, they have the option of litigating their dispute in the courts.



As noted above, under the Planning Act, if the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development in addition to regulating grading on one, two, or three lots created by severance. If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

If municipalities had jurisdiction generally to regulate lot grading on existing houses and developments, requests for the City of Hamilton's enforcement of such disputes would escalate tremendously and would result in substantial administration costs to the City. Furthermore, enforcement of a by-law of this type would be extremely difficult because the City would be placed in the middle of private disputes and expected to resolve them. In order to resolve a common grading dispute, the City would have to:

- Determine what the nature of the topography was prior to the modifications.
- Determine how the grading problem can be resolved, i.e. regrading, adding and/or redirecting swales, installation of rear yard catchbasins, etc. .
- The property or properties involved would be required to be surveyed, a grading plan prepared, a contractor hired to complete the work, supervision and inspection of the work by City staff, etc..
- The City would have to attempt to recover its costs from the adjacent owners either through fines or the courts.

#### CONCLUSIONS:

- (a) If the Committee decides to implement grading controls on one, two, and three lots created by severance, we recommend that lot grading controls be implemented as a condition of the land severance creating these lots;
- (b) If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

- c.c.- P. Noé Johnson, City Solicitor, Law Department
- c.c.- A. Ross, City Treasurer, Attn: W. Gilchrist
- c.c.- V. Abraham, Director of Local Planning
- c.c.- L. Lanza, Secretary-Treasury, Land Division Committee, Planning Department







**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1994 May 25**

**CONSENT AGENDA**

**A. ADOPTION OF MINUTES**

Minutes of the Planning and Development Committee Meeting held 1994 May 4

**B. BUILDING COMMISSIONER**

- a) Demolition of 454 Burlington Street East
- b) Demolition of 48 Holly Avenue
- c) Demolition of 1630 Upper Gage Avenue
- d) Hamilton Emergency Loan Programme - 83 Cheever Street
- e) Hamilton Emergency Loan Programme - 25 Oxford Street

**C. COMMISSIONER OF PLANNING AND DEVELOPMENT**

Application to Remove Part-lot Control from Block 30 of Registered Plan No. 62M-750 (PLC-H-94-02)

**D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

- a) Canadian Westinghouse Head Office Building, 286 Sanford Avenue North - Heritage Permit for Alteration to North Facade
- b) Hamilton GO Centre (T.H.& B. Station) - Heritage Permit for Alteration to Platform Canopy

**E. CORRESPONDENCE RECEIVED**

Letter from D. M. Beattie, Chairman, Hamilton Harbour Commissioners respecting Hamilton Harbour

**F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items







**The Planning and Development Committee met.**

A

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman B. Charters  
Alderman D. Wilson  
Alderman H. Merling  
Alderman F. D'Amico

**Also present:** Victor Abraham, Director of Local Planning  
Paul Mallard, Planning Department  
Joanne Hickey-Evans, Planning Department  
Bill Janssen, Planning Department  
Caroline Floroff, Planning Department  
Mary Lou Tanner, Planning Department  
John Sakala, Planning Department  
Lou Lanza, Planning Department  
Nina Chapple, Planning Department  
John Robinson, Building Department  
Eugene Chajka, Transportation/Environmental Services  
Art Zuidema, Law Department  
Brian Allick, Building Department  
Willy Wong, Building Department  
Roland Karl, Traffic Department  
Hazel Milsome, Public Works Department  
Tina Agnello, Secretary

**PUBLIC MEETINGS**

1. **Zoning Application 94-06, G. Amodeo, prospective owner, for a change in zoning from "AA" District to "C" District, for lands located at No. 379 Rymal Road East; Barnstown Neighbourhood.**

The applicants were present. As recommended by the Commissioner of Planning and Development in a report dated 1994 April 26, the Committee recommended to Council as follows:

That approval be given to Zoning Application 94-06, Guy Amodeo, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for property located at the rear of 379 Rymal Road East, shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City



Solicitor, and Zoning District Map E-18D for presentation to City Council;  
and,

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. **Zoning Application 93-40, Luval Enterprises Ltd., owner, for changes in zoning from "DE-3"-'H' to "RT-20" for Block "1", "DE-3"-'H' to "R-4" for Block "2", "RT-30"-'H' to "R-4" for Block "3" and "RT-30"-'H' to "C" for Block "4", for lands located south of Mud Street and west of Upper Mount Albion Road; Albion Falls Neighbourhood.**

As recommended by the Commissioner of Planning and Development in a report dated 1994 April 26, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 93-40, Luval Enterprises Limited, owners, requesting changes in zoning from "DE-3"-'H' (Multiple Dwellings - Holding) District to "RT-20"-'H' (Townhouse-Maisonette - Holding) District - Modified for Block "1"; from "DE-3"-'H' (Multiple Dwellings - Holding) District to "R-4"-'H' (Small Lot Single-Family Detached - Holding) District for Block "2"; from "RT-30"-'H' (Street Townhouse - Holding) District to "R-4"-'H' (Small Lot Single-Family Detached - Holding) District for Block "3"; and from "RT-30"-'H' (Street Townhouse - Holding) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District for Block "4", for lands located south of Mud Street and west of Upper Mount Albion Road, shown as Blocks "1", "2", "3", and "4" on the attached map marked as Appendix "B", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit development of the subject lands until the applicant/owner has entered into a Modified Subdivision Agreement with City/Region, and Access Agreements with the Region, to the satisfaction of the Regional Roads Department.

Removal of the holding restriction shall be conditional upon the applicant/owner entering into a Modified Subdivision Agreement with the City/Region, and an Access Agreement with the Region, to the satisfaction of the Regional Roads Department. City Council may remove the 'H' symbol, and thereby give effect to the "C", "RT-20", and "R-4" District provisions as stipulated in this By-law by the enactment of an amending By-law.

- (b) That Block "1" be rezoned from "DE-3"-'H' (Multiple Dwellings - Holding) District to "RT-20"-'H' (Townhouse-Maisonette - Holding) District;
- (c) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10 of By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
  - (i) That notwithstanding Section 10(2)(a) of By-law No. 6593, Street Townhouse Dwellings shall not be permitted;



- (d) That Block "2" be rezoned from "DE-3"-'H' (Multiple Dwellings - Holding) District to "R-4"-'H' (Small Lot Single-Family Detached - Holding) District;
- (e) That Block "3" be rezoned from "RT-30"-'H' (Street Townhouse - Holding) District to "R-4"-'H' (Small Lot Single-Family Detached - Holding) District;
- (f) That Block "4" be rezoned from "RT-30"-'H' (Street Townhouse - Holding) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;
- (g) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1328, and that Block "1" on Zoning District Map E-79B be notated S-1328;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council;
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (j) That the Albion Falls Neighbourhood Plan be amended by redesignating Block "1" from "Medium Density Apartments" to "Attached Housing", Block "2" from "Medium Density Apartments" to "Single and Double Residential", and Blocks "3" and "4" from "Attached Housing" to "Single and Double Residential".

### 3. DIRECTOR OF TRAFFIC SERVICES

#### **Front Yard Parking Regulations**

Mary Lou Tanner explained that boulevard parking agreements were not previously circulated to LACAC and now this process will change. In Heritage Conservation Districts, LACAC will make recommendations on whether or not front yard parking should be permitted.

Following brief discussion, the Committee resolved that the recommended of the Director of Local Planning and the Director of Traffic Services dated 1994 April 25 be approved as follows:

- (a) That future applications for boulevard parking agreements for buildings designated under the Ontario Heritage Act be circulated to LACAC for their comments.
- (b) That the designation process for buildings and districts proposed for designation under the Ontario Heritage Act include a review of the appropriateness of permitting front-yard parking/boulevard parking for the building or district.

In response to a question from Alderman Drury, Roland Karl explained that the unenclosed front porch is considered to be part of the front yard and as a result many applications have been turned down because of the presence of a verandah.



Victor Abraham advised that this is an interpretation on the part of the Building Department.

After discussion, the Committee resolved as follows:

That the Building Department, which processes applications for front yard parking, consider the applications without the inclusion of a front porch as part of the front yard.

\* Alderman Kiss opposed.

4. **BUILDING COMMISSIONER**

**Joint Programme: Ministry of Community and Social Services and City of Hamilton**

As recommended by the Building Commissioner in a report dated 1994 April 25, the Committee recommended to Council as follows:

That the Building Department be directed to formalize with the Ministry of Community and Social Services the trial programme regarding home rehabilitation assistance for homeowners in receipt of family benefits.

5. **CONSENT AGENDA**

A **Adoption of the Minutes**

The minutes of the Planning and Development Committee meeting held 1994 April 20 were approved as circulated.

**THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:**

B **ACTING SECRETARY, LACAC**

**Veevers Home, 222 Veevers Drive - Designation Recommendation dated 1994 April 25:**

- (a) That approval be given to the "Intent to Designate" the Veevers Home at 22 Veevers Drive as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "C", and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.



**C     SENIOR DIRECTOR, ROADS DEPARTMENT****Claudette Gardens, Phase 5 - Cash in Lieu of 5% Parkland Dedication dated 1994 April 22:**

That the City of Hamilton accept the sum of \$20,770. as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 5", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

The lands of "Claudette Gardens - Phase 5" are located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood.

**D     DIRECTOR OF PROPERTY****Release of Building Covenants, City Sale to 609892 Ontario Limited, 1060-1088 Rymal Road East dated 1994 April 26:**

That the Mayor and City Clerk be authorized and directed to execute the necessary documents to release the property at 1060-1088 Rymal Road East, Hamilton, known as Lot 9 and Block 16, Plan M-352, Hamilton Industrial Park No. 3, from the construction covenants to the City as contained in Instrument Nos. 186944 L.T. and 186945 L.T. registered on 1986 October 8.

**E     DIRECTOR OF PUBLIC WORKS****Downtown Action Plan - Phase IV, Sixth Annual Business Development Seminar dated 1994 April 26**

That \$10,000. be provided for the Sixth Annual Business Development Seminar that is being held on 1994 October 26, from Phase IV of the Downtown Action Plan Account Number CF 5200-428803000.

**F     COMMISSIONER OF PLANNING AND DEVELOPMENT****(a)   Proposed Draft of Condominium "Bayberry Village" dated 1994 April 27**

(a)   That approval be given to application 25CDM-94001, Tommar Construction Co. Limited, owner, to establish a draft plan of condominium located at 2774 King Street East at Greenhill Avenue, subject to the following condition:

(i)   That this approval apply to the plan prepared by S.D. McLaren, O.L.S., (A. T. McLaren Limited), dated 1994 February 24, and revised in red, showing 43 residential townhouse units; and,

(ii)   That the owner satisfy all outstanding requirements under Site Plan Application DA-94-04 to the satisfaction of the City of Hamilton prior to registration of the Final Plan of Condominium;

(b)   That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.



**(b) Kirkendall/Chedoke Modified Neighbourhood Plan Review dated 1994 April 19**

- (a) That no additional changes be made to the approved Kirkendall North Neighbourhood Plan, at this time; and,
- (b) That the Kirkendall/Chedoke Modified Neighbourhood Plan Review Committee has fulfilled its mandate and therefore, should officially be disbanded. However, the group should be encouraged to meet on an informal basis, with staff to attend as required and to address specific issues.

**G BUILDING COMMISSIONER****(a) Demolitions. Various Demolitions dated 1994 April 26**

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 772 West 5th Street
- (b) 788 West 5th Street
- (c) 1790 Main Street West
- (d) 1796 Main Street West
- (e) 1812 Main Street West
- (f) 149 Macauley Street

**(b) Commercial Loan Programme - 1023 King Street West dated 1994 April 25**

That a Commercial Loan in the amount of seven thousand, one hundred and five dollars (\$7,105.) be approved for John and Helen Mouskos. The interest rate will be 2 3/4 percent amortized over 10 years.

**H SECRETARY OF PLANNING AND DEVELOPMENT COMMITTEE****Information Items.**

As recommended in a report dated 1994 April 28, the Committee moved to receive for information purposes the following items which were previously forwarded to the members of the Committee under separate cover:

- (a) Secretary, Transport and Environment Committee re: 79 Rymal Road West, Road Widening Policies dated 1994 March 11.
- (b) Ministry of Environment and Energy re: 164 Mount Albion Road and Draft Plan of Subdivision "Kemp Estates" dated 1994 April 14.
- (c) Director of Public Works re: Vendors in parks dated 1994 April 18.
- (d) Secretary, Parks and Recreation Committee re: Proposed Centre Square Development, Ferguson and Cannon Streets, 5% Parkland Dedication dated 1994 April 21.

**6. DELEGATIONS****(a) Mayor R.M. Morrow - Downtown Promenade BIA re: Gore Park Area**

- (i) The Mayor requested that this be tabled to the next regular meeting.



- (ii) The Mayor mentioned that he is attempting to get planters for the James Street North area. This will cost \$4,000. - \$5,000. and our staff will most likely be responsible for watering them.
- (iii) Alderman Drury asked why we charge building permits to put up tents. Mr. Wong replied that this is in a By-law which was approved by Council but he also explained that where there is an event with several tents that the \$40. fee inspection cost is reduced.
- (iv) Alderman Wilson asked about the status of the Sign By-law to which Paul Mallard advised that we are still awaiting the decisions of various court cases.

**(b) Bob Harkness - Lot Grading Control With Respect to Land Severance Applications Creating One, Two and Three Lots**

Mr. Harkness explained that many properties around his lot were graded after he moved there and he was left to have the lowest lot in the area, which causes problems with drainage. He was told that the options were to convince the neighbour not to grade his property at such a height or to sue the neighbour, but he does not foresee this as a good option. He said he has been to the Committee on a few occasions and a motion was passed for severance of four or more lots. He is now requesting that a policy be put in place for one, two or three lots with regard to grading. He mentioned that there was a report which came before the Committee which was prepared by the Building Department and he would like to see that passed.

Alderman Merling explained that the Sub-Committee has to meet once again and that a draft By-law will be referred to the Committee for review. He stated that within two months a By-law will be before the Committee for review.

A discussion ensued with regard to public input into the process. Art Zuidema explained that it is to be determined if it is required that this type of by-law be advertised.

Bob Harkness advised that he would like to be notified of the next meeting when this matter is discussed.

Alderman Merling requested that a Sub-Committee review the report prior to it coming to Committee. Subsequent to this, the Committee resolved that the report of the Building Commissioner with regard to One, Two or Three Lots Land Severance and Lot Grading be brought to the next meeting of the Planning and Development Committee.

**(c) Hamilton Harbour Commissioners - Matters for Discussion**

- (i) The Mayor advised that Alderman Drury, Duncan Beattie and himself had met and discussed various matters. He stated that he believes that many things which are on the table can be resolved at the City and Regional levels and that Mr. Beattie is willing to co-operate. Both parties will have to give and take somewhat. He suggested that the Committee resolve the situation by appointing a Sub-Committee composed of himself, Alderman Drury and any others who wish to be on it to deal with the matters with the Harbour Commissioners.

Bob Hennessey, Port Director, and Jeff Brookfield, Port Planner, were present from the Harbour Commissioners.

Mr. Beattie advised that the opening of the City Parks and redevelopment of piers 15 - 19, has been bringing people back to the harbour. He said



that the water quality has improved in the past two to three years and the Harbour Commission is now in a position where the area has become environmentally, commercially and recreationally a better place.

He stated he was there to discuss successes and potential for the future of the Hamilton Harbour for the good of the whole City but that there was several matters where the City and the Harbour Commissioners are in conflict. These are conflicts in regulation not vision. Mr. Beattie said that of the conflicts, the most recent is the refusal of the Region to refer Official Plan Amendment 80 to the Ontario Municipal Board. He does not understand why this refusal to refer occurred.

Art Zuidema advised that the City's Law Department was asked to comment as to what the City's strongest position would be at that point. The City made a few amendments to Official Plan Amendment 80 and the Harbour Commissioners did not agree to these amendments. As such it was recommended that the Official Plan Amendment 80 be approved with the City's changes and that therefore any concerns should be deemed frivolous.

Alderman Eisenberger felt that both parties are prepared to sit down and resolve some of the concerns and that a Sub-Committee should be appointed of politicians, staff and a Regional appointee.

Alderman Charters felt that the judicial court room may be in the best interest of the City as opposed to going to the Ontario Municipal Board with regard to Official Plan Amendment 80. Mr. Beattie suggested that the conflict of Official Plan Amendment 80 be resolved through a mediation process. He does not consider the request for referral to the Ontario Municipal Board as frivolous.

Alderman Drury was concerned that the Harbour Commissioners have never had their representatives present at City Committee meetings to discuss matters of which they have an interest.

Following a brief discussion, the Committee resolved as follows:

That an Ad Hoc Sub-Committee of the Planning and Development Committee be struck to negotiate and deal with matters with regard to the Hamilton Harbour Commissioners and that this Committee be composed of all nine members of the Planning and Development Committee and that this Committee not be bound by quorum.

After further discussion, the Committee also resolved to refer Item 3 of the matters of discussion as submitted by Mr. Duncan Beattie to the Planning and Development Committee be referred to the Finance and Administration Committee for review.

Mr. Beattie stated that he and the Harbour Commissioners are not willing to enter into discussions regarding the other Ontario Municipal Board matters if Official Plan Amendment 80 is not dealt with.

Following discussion the Committee adjourned in camera to discuss litigation matters and reconvened immediately thereafter with no report.



## 7. CITY SOLICITOR

### Securities with Respect to Site Plan Control

Alderman Charters requested that the securities be reduced only on the condition that the items requested be registered on title.

As recommended by the City Solicitor in a report dated 1994 April 26, the Committee recommended to Council as amended as follows:

That Item 5A of the 4th Report of the Planning and Development Committee, adopted by City Council on March 8, 1994 be amended by deleting paragraphs (b), (c), (d), (g), (h) and (j) and substituting the following therefor:

- (b) The owner shall provide the City with financial security for 75% of the estimated cost of the exterior works required by the approved Site Plans (exclusive of the building(s));
- (c) The owner shall provide such security in the form satisfactory to the City Treasurer and prior to the City's execution of the Site plan Agreement. The security, if necessary, shall be used to complete and/or rectify works in accordance with the approved site plans and restore adjacent municipal property damaged during construction. Costs in excess of the security held shall be paid by the owner and, if necessary, added to the tax roll for recovery in the same manner as taxes;
- (d) Notwithstanding items, (b) and (c) above, City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Boards projects, from providing securities;
- (g) Site Plan Agreements will be required to be registered on title;
- (h) A Building Permit shall be issued only after
  - security has been received by the City Treasurer;
  - a lawyer's Certificate has been received confirming registration of the Site Plan Agreement and an Easement in favour of the City;
  - the other usual requirements for the permit are fulfilled;
- (j) Where the Building Commissioner is satisfied with,
  - (i) a professional Engineer's certificate that the grading and retaining walls shown on a Site Plan Agreement have been completed; and
  - (ii) a professional Engineer's, Architect's or Landscape Architect's Certificate that the balance of the required exterior works have been completed, then the Building Commissioner may request the City Treasurer to release the security held under a Site Plan Agreement to the current owner (provided that the owner's lawyer certifies that the owner requesting the refund is the current owner);
- (k) The Planning and Development Committee forward its concerns about the licensing of Public Parking Lots to the Clerk's Department and the Finance and Administration Committee;



- (l) The Building Department deal with maintenance issues arising out of registered Site Plan Agreements.
- (m) The requirement of 75 per cent securities be applied retroactively to site plans where 100 per cent securities have been posted, at the request of the owner, provided that the site plan has been or is registered on title to the subject plan.

8. OTHER BUSINESS

Paul Mallard requested and the Committee resolved as follows:

That the appropriate staff be authorized to attend the Ontario Municipal Board hearing for 190 Gage Avenue South to be held 1994 June 6 - June 10 respecting Committee of Adjustment application A-93:238 regarding Taras Schevchendko Home for the Aged.

9. ADJOURNMENT

There being no further business, the Committee meeting then adjourned.

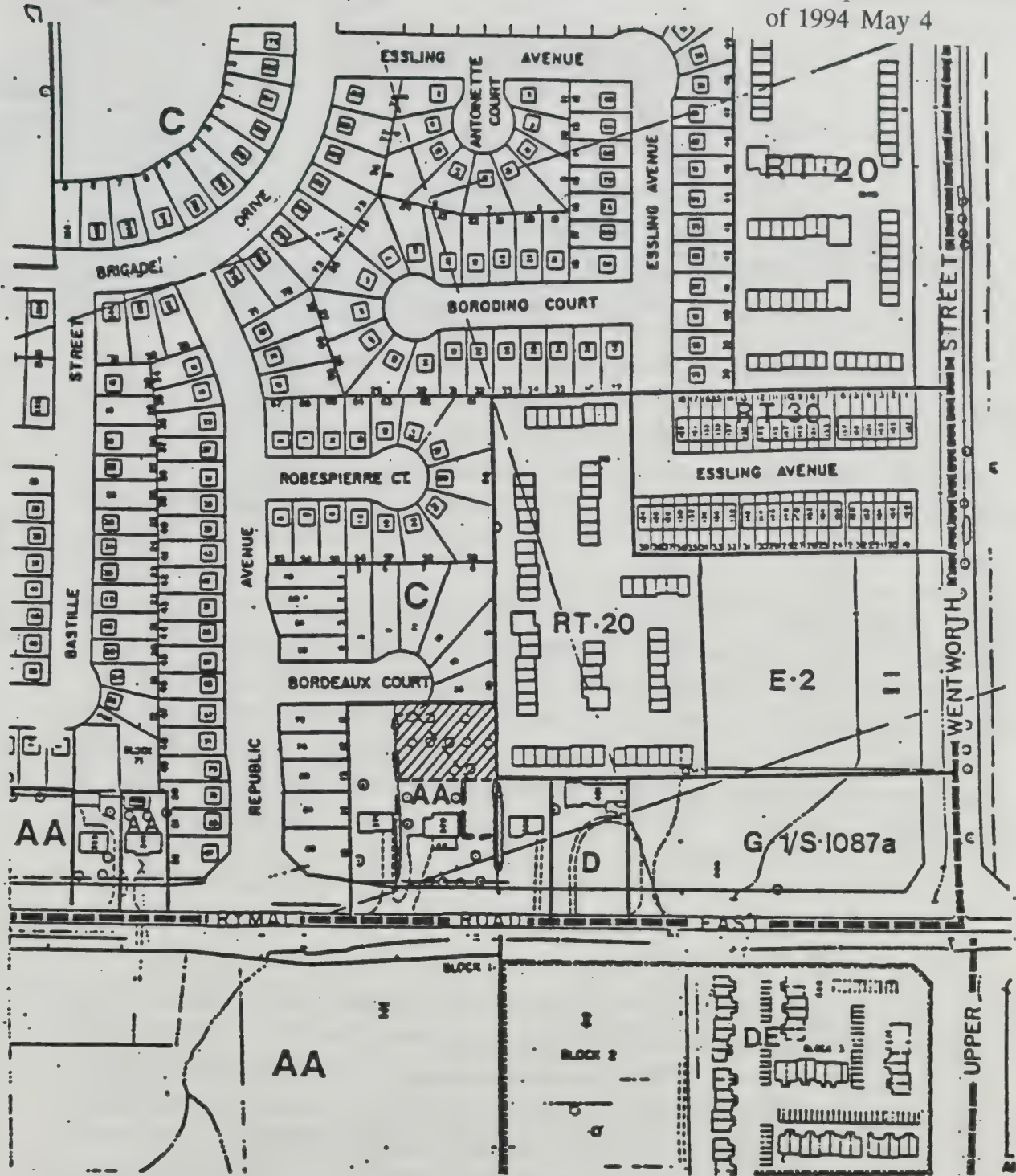
Taken as read and approved.

Alderman D. Drury  
Chairperson  
Planning and Development Committee

Tina Agnello  
Secretary  
Planning and Development Committee



Appendix "A" as referred to  
in Section 1 of the minutes  
of the Planning and  
Development Cttee. meeting  
of 1994 May 4



Legend



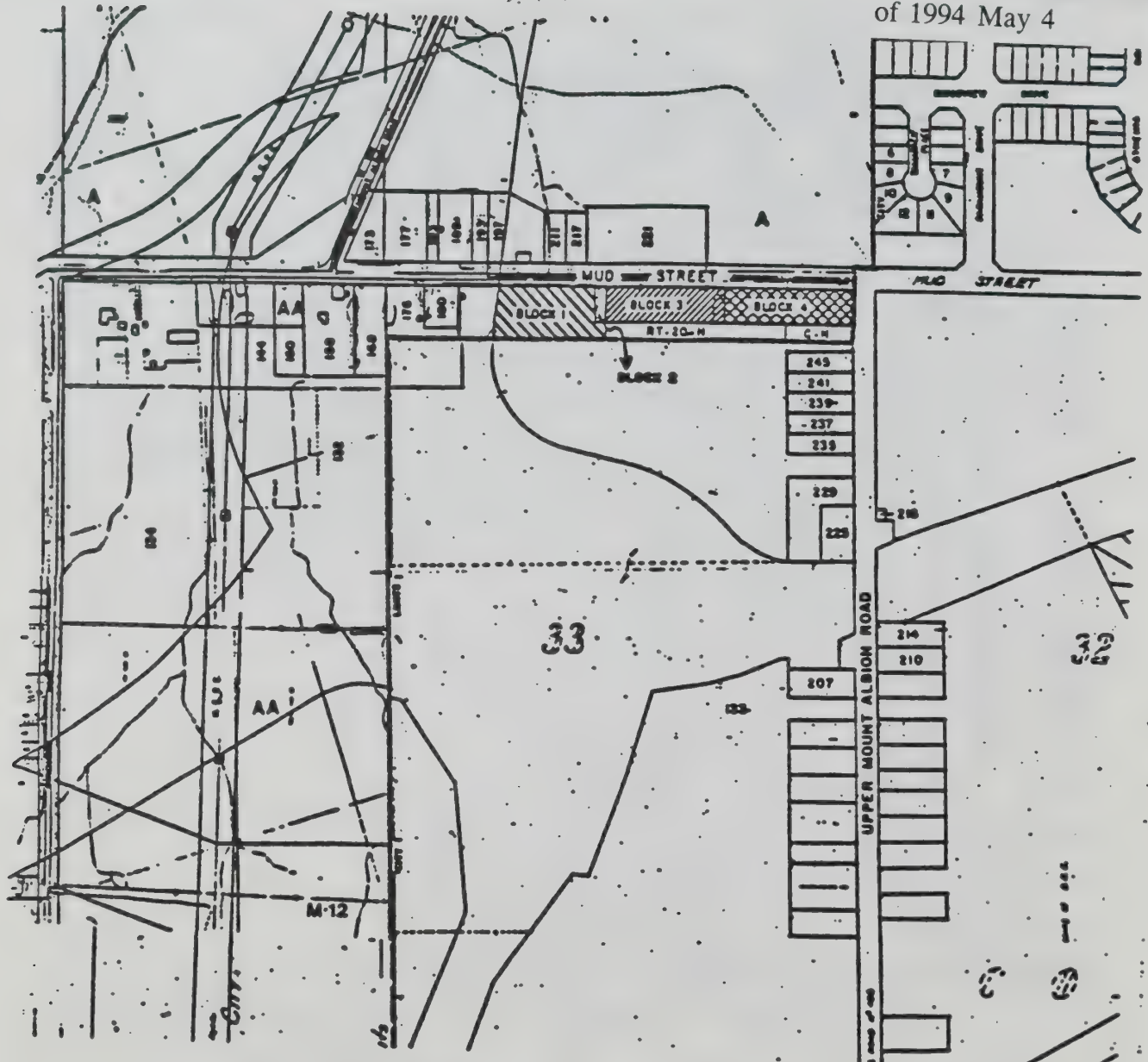
Site of the Application



ZAC-94-06


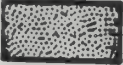




Appendix "B" as referred to in Section 2 of the minutes of the Planning and Development Cttee. meeting of 1994 May 4



### Legend

Proposed change in zoning from:

BLOCK 1		"DE-3"-H (Multiple Dwellings - Holding) District to "RT-20"-H (Townhouse - Maisonette - Holding) District.
BLOCK 2		"DE-3"-H (Multiple Dwellings - Holding) District to "R-4"-H (Small Lot Single-Family Detached - Holding) District.
BLOCK 3		"RT-30"-H (Street Townhouse - Holding) District to "R-4"-H (Small Lot Single-Family Detached - Holding) District.
BLOCK 4		"RT-30"-H (Street Townhouse - Holding) District to "C"-H (Urban Protected Residential, etc. - Holding) District.





## REASONS FOR DESIGNATION

### **The Veevers Home 22 Veevers Drive, Hamilton**

#### Context

The former home of Ronald and Bertram Veevers, generously donated by the two brothers to the City of Hamilton in 1985, comprises an enlarged 1850s stone farmhouse and attractive 1.5 acre garden situated near the base of the escarpment just east of the Red Hill Creek Valley. The subdivision of the original 200-acre farm in the 1960s and early 1970s reduced the Veevers property to a total of 12 acres, including a separate 10.5 acre parcel of undeveloped escarpment land.

Up until the 1950s, the farmhouse stood in its original form atop a hill surrounded by rolling pastures, woodland and orchards. Landscaping around the house, largely completed in the 1950s and 1960s, created a parklike setting of special horticultural interest featuring lawns with alleys of trees, rose and tulip beds, and a rockery. Now enclosed by a high iron fence, this garden oasis effectively buffers the house from the engulfing 20th century suburban development, dominated by single-family homes to the north and east and high-rise apartments to the west.

#### History

Today the Veevers Home stands as a vestige from the pioneer farming era, dating back to the early settlement of Saltfleet Township, when it was closely associated with two important pioneer families: the Deans and the Gages. The original 200-acre crown grant to John Thatcher was purchased in 1834 by James Dean, who erected the present stone farmhouse between 1851 and 1861. Sold in 1871 to John Gage, the house and farm remained in his possession until 1912. The property then changed hands three more times before it was purchased in 1934 by Ronald, Bertram, Cyril and Raymond Veevers and occupied by all eight members of the Veevers family.



The Veevers brothers ran a large and successful fruit and dairy farm, raising a sizable herd of Holstein cattle, and up to the 1940s operated their own dairy. Farming activities were subsequently scaled down and only the two elder brothers, Ronald and Bertram, remained on the farm. The surplus land was sold for development and the last 12 acres, including the farmhouse and 1.5 acre garden, was deeded to the City of Hamilton for public use. The two brothers retained the use of the house and garden until the death of the last surviving brother in 1993.

### Architecture

This 1 1/2 storey house, built of rough-hewn stone quarried from the escarpment, is a relatively rare example of a pre-Confederation stone farmhouse in the Hamilton area and, in its original form, a very good example of its type. It has the fine masonrywork, wide horizontal proportions and restrained ornamentation characteristic of early settlers' houses dating from the 1820s through the 1850s. The well-proportioned, symmetrical five-bay facade originally featured a wide doorway with a panelled wood door and sidelights, and a somewhat unusual row of low square, upper storey windows. As a result of extensive renovations undertaken in 1968, these square windows were replaced by higher and taller dormers and the doorway was modified. Despite these alterations and two modern additions, the house is in excellent condition and retains much of its original character, at least on the exterior.

### Designated Features

Important to the preservation of 22 Veevers Drive are the original features of all four facades of the 1850s farmhouse, including the stone masonry walls, end chimneys, flat-arched lintels and solid stone sills, the denticulated returned eaves, and the original door and window openings. Excluded are the two-storey wing and garage added to the rear (south-east corner), the glass conservatory (rear), and the modern front door and dormer windows.



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

Ba

**DATE:** May 10, 1994

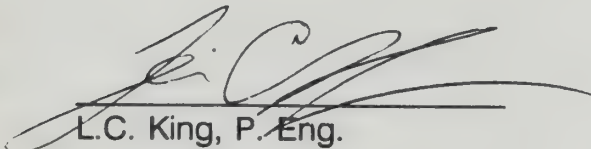
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
454 BURLINGTON STREET EAST  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**454 BURLINGTON STREET EAST.**



L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** K/S-727

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Burlington Street Widening Project

**BRIEF DESCRIPTION:** 2½ storey solid brick dwelling

The Region of Hamilton to demolish the single family dwelling and use the land for road widening of Burlington Street. No LACAC interest. Lot size 25' x 88'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth







Bb

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 10, 1994

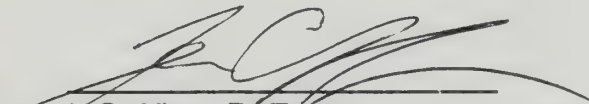
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
48 HOLLY AVENUE  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**48 HOLLY AVENUE.**



L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** D

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Park Area

**BRIEF DESCRIPTION:** 1 ½ storey insul brick dwelling

The City of Hamilton to demolish the existing single family dwelling and use the land for Crown Point East/McAnulty Park Area. No LACAC interest. Lot size 50' x 100'.

The owner of the property as per the demolition permit is:

The Corporation of the City of Hamilton







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

Bc

**DATE:** May 10, 1994

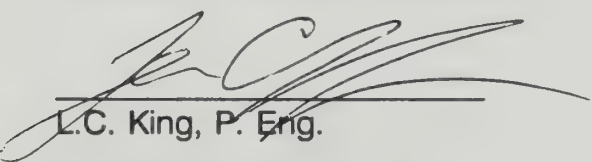
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1630 UPPER GAGE AVENUE - Tag Number 91832  
(94.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for  
**1630 UPPER GAGE AVENUE.**

  
L.C. King, P. Eng.

LCK/EB/zr

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** HH/S-1226b Commercial

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Vacant

**BRIEF DESCRIPTION:** One storey frame and stone veneer dwelling with garage attached

The owner wishes to demolish the existing single family dwelling and land to remain.  
No LACAC interest. Lot size 100' x 200'.

The owner of the property as per the demolition permit is:

Alfredo Pollbene  
9 Oakridge  
Stoney Creek, Ontario







Bd

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 16, 1994

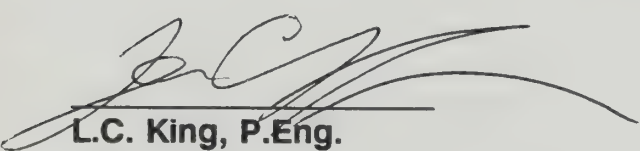
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
(H.E.L.P.) (94.2.4.2.1.A)

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, one hundred and fifty dollars (\$1,150) be approved for Beryl Boax, 83 Cheever Street, Hamilton. The interest rate will be 8 per cent amortized over 2 years.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Beryl Boax, 83 Cheever Street in the amount of \$1,150. The electrical work has been completed, and the Department recommends approval in the amount of \$1,150 at 8% interest and amortized over two (2) years.

c.c. R. Camani, Treasury







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

Be

**DATE:** May 4, 1994

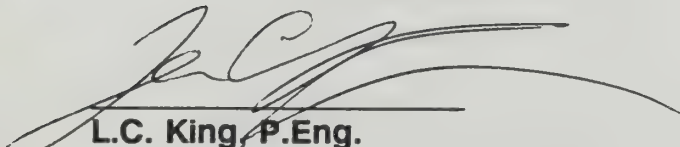
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P.Eng.  
Building Commissioner

**SUBJECT:** HAMILTON EMERGENCY LOAN PROGRAMME  
INCREASE - 25 OXFORD STREET (94.2.4.2.1.A)

**RECOMMENDATION:**

That a loan increase of \$161 be approved for Maria Sousa, 25 Oxford Street, under the Hamilton Emergency Loan Programme. The total loan is now \$482.



L.C. King, P.Eng.  
LCK/JHR/dc

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

City Council at their meeting held April 26, 1994 approved a loan application under the subject programme in the amount of \$321. Since that time, it has been determined that additional work was necessary in order to correct the chimney problems. The Building Department, Loans Division, therefore recommends increasing the owner's application to a maximum loan of \$428. The loan is to be amortized over 3 years at 8 per cent interest with a monthly payment of \$15.08. This represents an increase of \$161.

c.c. R. Camani, Treasury Department







# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1994 May 11  
(PLC-H-94-02)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

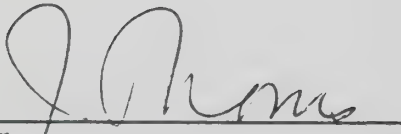
**SUBJECT:** Application to Remove Part-lot Control from Block 30 of  
Registered Plan No. 62M-750.

### RECOMMENDATION:

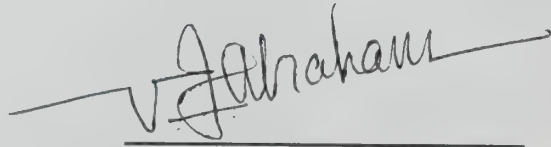
- a) That the request by Ginfil Construction Limited, to remove part-lot control from Block 30 of Registered Plan No. 62M-650, to allow for the creation of five (5) single detached residential lots, be approved, subject to the following:
- 1) the owner/applicant submit to the Roads Department for approval, a detailed grading plan showing existing and proposed grades as well as the location and design of vehicular turnarounds for each proposed lot;
  - 2) the owner/applicant be required to install dual private drain and water service connections to each proposed lot prior to final approval of the part-lot control by-law; and,
  - 3) the owner/applicant be required to enter into a Modified Subdivision Agreement with the City of Hamilton prior to development of any portion of the subject lands;
- b) That the attached by-law to remove part-lot control from Block 30 of Registered Plan No. 62M-650, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse said approval on the by-law; and,



- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department



V. J. Abraham, M.C.I.P.  
Director  
Local Planning Branch

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

##### Proposal

The owner/applicant, Ginfil Construction Limited, is proposing to remove part-lot control from Block 30 of Registered Plan No. 62M-750 to allow for the creation of five (5) single detached residential lots fronting and accessing onto Rymal Road.

##### Location

The lands are located on the north side of Rymal Road, between Garth Street and Upper Paradise Road, in the Falkirk East Neighbourhood (See attached plan).

##### Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

In this case, the applicant is requesting to obtain a removal of part-lot control by-law which would allow the establishment of five (5) single detached residential lots. Part-lot control will be re-established, by by-law, once the conveyances have taken place.



The Roads Department has recommended the following conditions with respect to the subject proposal:

- 1) the owner/applicant submit to the Roads Department for approval, a detailed grading plan showing existing and proposed grades as well as the location and design of vehicular turnarounds for each proposed lot;
- 2) the owner/applicant be required to install dual private drain and water service connections to each proposed lot prior to final approval of the part-lot control by-law; and,
- 3) the owner/applicant be required to enter into a Modified Subdivision Agreement with the City of Hamilton prior to development of any portion of the subject lands.

The subject proposal should be supported given that: the new lots would exceed the minimum lot width and area requirements the existing "C" District provisions; the proposal complies with the intent of the adopted Falkirk East Neighbourhood Plan; and, the proposal would not be out of character with existing and proposed lotting in the area.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

GP\Attach.



Part 1 of 1 (Sale Estates)  
 Part of Lot 20  
 Concession 8  
 Township of Barton  
 City of Hamilton  
 Regional Municipality of Halton-Wentworth  
 Mackay, Mackay & Peters Limited  
 1983

SUBJECT TO REMOVAL OF  
 PART-LOT CONTROL

RYMAL ROAD

DEPOSITED PLAN NO. 138

REGISTERED UNDER THE REGISTRY ACT (PROVIDING FOR THE REMOVAL OF PART-LOT CONTROL)



PLAN -750  
 257-07037  
 M. Mackay & P. Peters  
 1983

MACKAY  
 MACKAY  
 & PETERS  
 LIMITED  
 1983



The Corporation of the City of Hamilton

BY-LAW NO. 94-

**To Remove  
Block 30 of Registered Plan Number 62M-650  
from Part Lot Control**

**WHEREAS** subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Block 30 of Registered Plan Number 62M-650, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

**PASSED**

this day of

A.D. 1994.

**CITY CLERK**

**MAYOR**

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this      day of      1994.

\_\_\_\_\_  
Commissioner of Planning and Development of  
The Regional Municipality of Hamilton-Wentworth







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**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 May 17

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Joy Dubbeld, Acting Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Canadian Westinghouse Head Office Building,  
286 Sanford Ave. N. - Heritage Permit for Alteration to North Facade

**RECOMMENDATION:**

That, in accordance with the requirements of the Ontario Heritage Act, a Heritage Permit be issued for the removal of the enclosed pedestrian bridge linking the Canadian Westinghouse Head Office Building with a Westinghouse building to the north and the restoration of the original facade, as shown on Appendix A attached hereto, under the condition that Heritage Planning staff approves of the choice of appropriate materials for the proposed restoration work.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The two Westinghouse buildings are now under separate ownership. The walkway linking them at the second storey level is to be removed by Westinghouse Canada Ltd. at the request of the new owner of the Canadian Westinghouse Head Office Building. Although this pedestrian bridge is not a heritage feature, its removal does constitute an alteration to the *designated* north facade of the office building and, as such, requires Council approval.

The removal of this second storey bridge will necessitate repairs to the lower east corner of the north facade involving brick masonry reconstruction and the restoration of windows and stonework.

The proposed work was reviewed and approved by the Research Sub-committee at its meeting held May 10th. Committee members were pleased that Westinghouse intended to restore the affected wall area to its original appearance.



PROPOSED  
LAYOUT

OFFICE BUILDING

286 SANFORD AVE. N.

( Lower East Corner of Building, North Side )





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**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 May 17

**REPORT TO:** Tina Agnello, Secretary  
Planning & Development Committee

**FROM:** Joy Dubbeld, Acting Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Hamilton GO Centre (T.H.&B. Station) -  
Heritage Permit for Alteration to Platform Canopy

**RECOMMENDATION:**

That a Heritage Permit be issued for the following alteration, in accordance with the requirements of the Ontario Heritage Act: a reduction in the width of the platform canopy by two feet on either side in order to provide the horizontal clearance required by CP Rail for its freight trains.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

Approval of this alteration was a condition of sale imposed by CP Rail, which still owns the air rights over the tracks. In its advice to Council, LACAC would not normally approve an alteration to a designated feature, but in this case where it has been previously imposed, LACAC will not object.

The designation of the former T.H.& B. Station is in progress and therefore, a Council-approved Heritage Permit is required for any alteration to the designated features.

The platform structures are identified in the Reasons for Designation as important heritage features.



Alterations to the platform canopy are included in the structural demolition plans recently submitted by Parker Consultants for a building permit and referred to LACAC for comment. Other structural demolition work, such as the retaining wall, baggage platform, and two-storey corner building along Beckley Street (for construction of new bus depot), does not affect the Reasons for Designation.

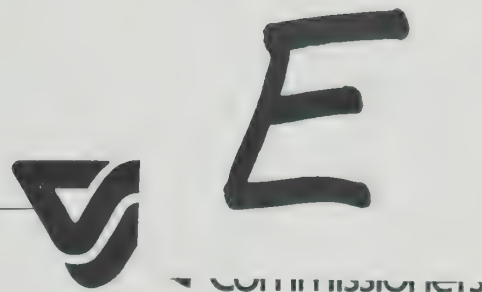
Confirmation has been obtained from Parker Consultants that CP Rail insisted upon this reduction to provide the minimum horizontal clearance for its freight trains on all three tracks and that this requirement was accepted by GO Transit as part of the purchase agreement. This information was presented to the Research Sub-committee at its meeting held 1994 March 23.



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Administration 905-528-6282  
General Office 905-528-6554



May 17, 1994

The Corporation of the City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

**Attention: Alderman Don Drury**  
**Chairman**  
**Planning and Development Committee**

Dear Alderman Drury,

I would like to thank you for the opportunity of appearing before the Planning and Development Committee on May 4, 1994. I hope the Committee found our brief overview on the state of the Harbour informative.

We appreciate the Committee's receiving and reviewing of the three planning matters that are currently the source of some conflict between the City and the Commissioners.

We felt the level of questioning by the Committee members was indicative of a genuine attempt to understand the Commissioners' position and arrive at a solution.

As you recall, the Committee went "in camera" at the end of our presentation. Would your good self, or the Committee Secretary, be responding to the Commissioners, in due course, as to the Committee's decision on the three issues addressed?

Thank you again for your invitation, we feel that this dialogue is making some progress towards a resolution of our differences.

Yours very truly,  
**THE HAMILTON HARBOUR COMMISSIONERS**

**D. M. Beattie**  
**Chairman**

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**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1994 May 18

**REPORT TO:** Chairperson and Members  
Planning and Development Committee

**FROM:** Charlene J. Touzel, Acting Secretary  
Planning and Development Committee

**SUBJECT:** Information Items - Planning and Development  
Committee

**RECOMMENDATION:**

That the following information items, which have been previously forwarded to members of the Planning and Development Committee under separate cover, be received:

- a) Information Report dated 1994 May 6 from Building Commissioner respecting the Commercial Loan Programme for 125 King Street East
- b) Information Report dated 1994 May 6 from the Commissioner of Planning and Development respecting the Development Status of the South Mountain Development
- c) Information Report dated 1994 May 12 from the Director of Public Works respecting Floral Planting in the James Street North Business Area

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

**BACKGROUND:**

Information previously distributed. Copies of the information items listed above are available in the office of the Secretary.

*Touzel*



CITY OF HAMILTON

RECOMMENDATION

1991 May 15

Page 1

Chairman and Members  
Planning and Development Committee

REPORT TO

Chairman and Members  
Planning and Development Committee

FROM

Information from - Planning and Development  
Committee

SUBJECT

RECOMMENDATION

That the following information from which has been previously forwarded to members  
of the Planning and Development Committee be forwarded to the Council for its consideration.

a) Information from which has been previously forwarded to the Council for its consideration  
on the Planning and Development Committee.

b) Information from which has been previously forwarded to the Council for its consideration  
on the Planning and Development Committee.

c) Information from which has been previously forwarded to the Council for its consideration  
on the Planning and Development Committee.

RECOMMENDATION

RECOMMENDATION

Information from which has been previously forwarded to the Council for its consideration  
on the Planning and Development Committee.







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